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VOLUME I.

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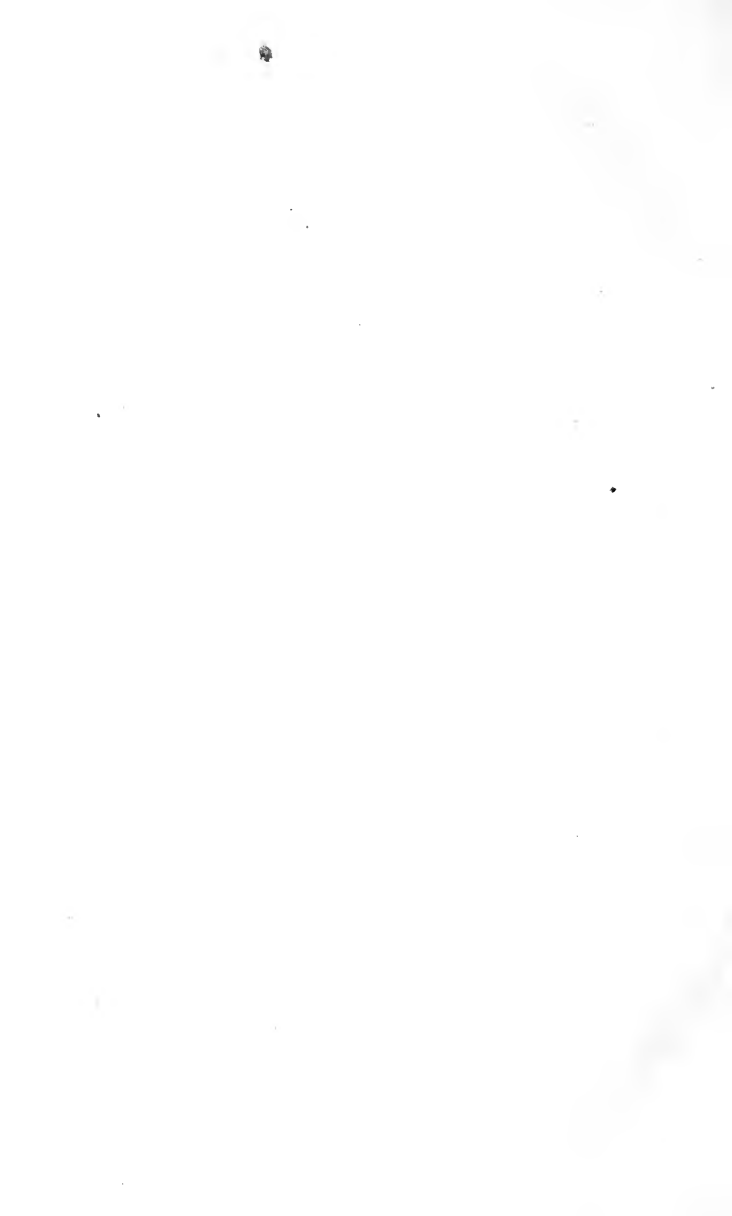
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THE PRIVATE LAWS

OF THE

STATE OF ILLINOIS.

ACADEMIES, COLLEGES, ETC.

AN ACT to amend the charter of the Illinois Agricultural College.

In force Feb'y
12, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section six of the act entitled "an act to provide for the disposition of seminary lands, and to incorporate the Illinois Agricultural College," be so amended that the time to be devoted by the pupils to labor in the field, the workshop or the laboratory, shall be left to the discretion of the teachers and president of the board of directors of said institution, not to exceed three hours of each day, the months therein specified.

Charter amend-
ed.

§ 2. That section eight of said act to be amended by adding thereto: "that the lands, lots, stock, buildings, library, philosophical and chemical apparatus, cabinet and all other property belonging to, or which may hereafter belong to said institution, shall be forever exempt from taxation for state, county, corporation or other purposes; and also exempt from execution for other than debts or demands against said corporation, in its corporate capacity and liabilities;" and that anything in said act contrary to the provisions of this amendment or of said section eight be and the same is hereby repealed.

Property ex-
empt from ex-
ecution.

§ 3. That said institution is hereby empowered to confer all the degrees that can be conferred by any literary institution or college in this state, and such other degrees as

Power to con-
fer degrees.

may be deemed appropriate to an agricultural and mechanical school or college.

May impart instruction, etc. § 4. That said act be so amended as to permit said college to impart instruction in all the branches taught in similar institutions in any of the states of this Union, or contemplated in the act of congress donating lands or scrip to the several states for the establishment of agricultural colleges.

To report to state superintendent of public instruction. § 5. That said corporation shall hereafter furnish the state superintendent of public instruction annually a copy of their catalogue, showing the number of pupils received and discharged, stating the residence of each, and their progress; and that section ten of the act to which this is amendatory, be and the same is hereby repealed.

Property to be protected. § 6. In order to protect the fencing, buildings and property of said institution from injury, it shall be unlawful for any person to hitch any animal to the fences belonging to said institution, or to throw open, break or tear down any of said fences, or to leave open any gate belonging to said institution, or to ride, or drive, or lead, or tole any animal into the inclosures of said institution, without permission of the board of directors; and any person so offending, shall forfeit or pay, for the use of said institution, the sum of five dollars for the first offense, and fifty dollars for each succeeding offense, to be collected by action of debt, before any justice of the peace in the county in which said institution is located, or in which the defendant may be found, in the name of said institution; and any person who shall cut, mark, deface, or in any manner willfully damage or disfigure the buildings belonging to said corporation, or who shall, in any manner willfully injure any tree or shrub growing upon the lands of said corporation, or any property belonging to said corporation, shall forfeit and pay for each offense for the use of said institution, a like sum or sums, to be collected in like manner.

Penalty for injuring property, etc. License to sell liquor within three miles of institution not to be granted. § 7. In order to protect the morals of the pupils who may attend said college, it shall not be lawful for the county court of the county of Washington, or of the county of Clinton, or of the county of Jefferson, or of the county of Marion, or any corporation in either of said counties to grant licenses to retail spirituous, vinous, malt, fermented or mixed liquors, or intoxicating drinks of any kind, within three miles of said institution; and any license issued contrary to the provisions of this section, shall be deemed and held to be void, and any person retailing such liquors or drinks within said limits, shall be subject to all the penalties provided by law for selling without license. And any person who shall sell or give to any student, or to any person for a student, any of said liquors within said limits shall be subject to the same penalties provided in section

six of this act, to be collected the same way, for the use of said institution.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1867.

AN ACT to incorporate the trustees of the Shelbyville seminary.

In force Feb. 15
1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That C. C. Trustees.
Scoville, S. W. Moulton, J. A. Roundy, C. E. Woodward, James Durban, Cyrus Hall and W. J. Henry, the present trustees of the Shelbyville Seminary, be and are hereby declared a body politic and corporate, with full power to sue and be sued, plead and be impleaded, to take and acquire by gift, donation or purchase, title to real and personal property, with full power and authority to sell, alien and transfer the same at pleasure, at any time whenever said board of trustees shall deem it for the interest of said seminary so to do: *Provided*, that upon the alienation and conveyance of the property, real or personal, belonging to said trustees, the money arising from such sale or transfer shall be held and used by said corporation for the purposes of education only.

§ 2. That said corporation shall be known by the name Name and style.
and style of "The Board of Trustees of the Shelbyville Seminary," and by that name may acquire and hold real and personal property, transfer, alien, sell and convey the same, and do all other acts as fully as a natural person could do in and about the premises aforesaid.

§ 3. That the title to the real and personal property Property vested
belonging to said trustees, as trustees of the Shelbyville Seminary, be and the same is hereby vested in the said corporation, and said corporation shall have power to alien, sell and convey the same by resolution, entered upon the journals of said corporation, empowering one or more members of said board to execute deed or deeds for any and all property belonging to said corporation.

§ 4. That said board of trustees, or a majority of them Board may fill
shall have full power and authority to fill all vacancies that may occur from time to time in said board. vacancies.

§ 5. That this act shall be deemed and taken to be a public act and shall be in force from and after its passage.

APPROVED February 15, 1867.

In force Apr. 18, 1867. AN ACT to authorize the board of supervisors of Stark county to sell the "Toulon Female Seminary."

Town lots to be sold. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Stark be, and are hereby authorized and empowered to sell, at public or private sale, lots numbered seven (7) and ten, (10) in block numbered three, (3) in the town of Toulon, in said Stark county, with the buildings thereon, known as the "Toulon Female Seminary," upon such terms and conditions as they think best for the interest of said county, and upon such sale being made, it shall be the duty of the chairman of the said board of supervisors to execute and deliver such deeds of conveyance, bonds or other instruments of writing, for and on behalf of the said county of Stark, as may be necessary to fully vest the title to said premises in the purchaser or purchasers thereof, and such deed executed by said chairman in pursuance hereof, shall be good and valid in law to convey the title to said premises to the said purchaser or purchasers.

Notes to be taken. § 2. Should the said board of supervisors sell said lots, or any portion thereof on a credit, then it shall be the duty of the said chairman to take such notes, mortgages or other securities for the payment of such portions of the purchase money as may remain unpaid, as he shall be directed by the said board of supervisors; and should said premises be sold at public sale, the said chairman, by the direction of said board, shall give thirty days' notice of the time, place and terms of such sale, by publication thereof in some public newspaper published in said county, if any newspaper be published therein, and also by posting written or printed notices of such sale in not less than four of the most public places in said county thirty days before such sale.

Notice of public sale to be given.

APPROVED February 18, 1867.

In force April 18, 1867.

AN ACT to incorporate the Anderson Female Seminary.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Crittenden H. C. Anderson, William A. Robertson, Rev. Alex. C. Rafferty, Dr. Charles H. Holliday, Thaddeus L. Loomis, Charles A. Walker and Julius G. Køster, and their successors, be and they are hereby created a body politic and corporate, to be styled and known by the name of the "Trustees of Anderson Female Seminary," and by that style and

Name and style.

name to remain and have perpetual succession. The said seminary shall be and remain at Carlinville, in the county of Macoupin. The number of trustees shall never exceed seven, including the president of the seminary, who shall be, *ex officio*, a member of the board of trustees.

§ 2. The objects of said corporation shall be the promotion of female education. Object.

§ 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to-wit: to have perpetual succession; to make contracts; to sue and be sued; plead and be impleaded; to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the object before mentioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States or of this state. Powers conferred.

§ 4. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said institution; to fix the rates of tuition and other expenses; to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties; to fix their compensation, and to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general government of the affairs of the institution, and for the regulation of the conduct of the students. Trustees to prescribe rules, etc.

§ 5. The trustees, for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board from death or otherwise. Four members shall constitute a quorum to do business. Vacancies to be filled.

§ 6. It shall be the duty of the trustees to appoint one of their number a treasurer, who shall be required to give bond with sufficient security in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him. Treasurer to be appointed.

§ 7. The said institution shall be opened to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students. Institution to be free.

§ 8. The trustees shall faithfully apply all funds collected or hereafter to be collected for said seminary, according to their best judgment: *Provided*, that in case any donation, devise or bequest, shall be made for particular purpo- Application of funds.

ses, accordant with the objects of the institution, and the trustees shall accept the same. Every such donation, devise or bequest, shall be expressly applied in conformity with the condition prescribed by the donor or divisor.

APPROVED February 18, 1867.

In force February 19, 1867. AN ACT to amend an act entitled "An act to incorporate the Northwestern University," and the several acts amendatory thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of that corporation created by act of the general assembly of the state of Illinois, approved on the 28th day of January, A. D. 1851, under the name of the "Trustees of the Northwestern University," be and the same is hereby changed to "Northwestern University," and by that name shall hereafter be known, and in and by such name shall have and exercise all the powers and immunities conferred on said corporation by said act of incorporation and all acts amendatory thereof.

Change of name

Additional trustees.

Qualifications of trustees.

Quorum.

Notice of meeting.

§ 2. In addition to the number of trustees heretofore provided for by law, the board may elect any number not exceeding twenty-four, and without reference to their several places of residence, and a majority of the whole board shall be members of the Methodist Episcopal church.

§ 3. No greater number shall be required to constitute a quorum than has been heretofore required by law: *Provided*, that in all called meetings of the board the object of the meeting shall be particularly specified in the notice to be previously given to each trustee.

§ 4. This act shall be a public act, and be in force from and after its passage.

APPROVED February 19, 1867.

In force Feb. 25, 1867. AN ACT to incorporate the Illinois soldiers' college at Fulton, in Whiteside county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Alfred Eddy, James McCoy, Leander Smith, Edward R. Allen, Silvanus Wilcox, David L. Hough, William F. Osgood, Orin Cowles, J. E. Forester, Josiah Leonard, J. H. Elliott and Charles Randolph, and such other persons as are or

may hereafter become associated as shareholders (as hereinafter mentioned), with them and their successors, are hereby constituted a body corporate, by the name and style of "The Illinois Soldiers' College," and by that name and style shall remain and have perpetual succession. Name and style

§ 2. That the object of this corporation is, and shall be, to promote education, civil and military, and especially at present to place within the reach of the soldiers and sailors of Illinois and their children the means of acquiring a thorough education. And all gifts, grants, donations, devises and bequests which shall be made to this corporation, and all property and effects by virtue of this act obtained, or received, or that may hereafter be in any manner acquired, and the proceeds thereof shall be held, used and applied by the corporation for the purpose aforesaid. And no trustee of said corporation shall be paid any compensation for time spent in serving as such. But the board may allow to each member the necessary traveling and hotel expenses, incurred by him while actually attending as a member of the board. Object.

§ 3. That the said corporation, by its corporate name, may make contracts, sue and be sued, plead and be impleaded, grant and receive, accept donations, devises and bequests, accept, acquire, purchase, sell, convey and manage property, real or personal; have a common seal and alter or change the same; and may make by-laws, rules and regulations, and may confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions. Vested rights.

§ 4. That the acts and proceedings of the trustees of the Illinois soldiers' college and military academy located at Fulton, heretofore had under the general law authorizing the incorporation of institutions of learning, be, and the same are hereby legalized, and the corporation established thereby is and shall be merged in the corporation created by this act, and all the property, estate, effects, choses in action, money, notes, mortgages, and accounts, and all of the right, title and interest, legal and equitable in and to property, whether real, personal or mixed, now owned, possessed, claimed, had or held by the corporation established as aforesaid, are and by virtue hereof shall be transferred to, vested in and become the property of the corporation created hereby, and the trustees of this corporation are authorized and required to take full and entire possession, control and management of the same and every and all undertakings and contracts, made by any person or persons, or body corporate to and with the corporation merged as aforesaid, shall enure to and be deemed and treated in all courts and places as though made with the corporation created by this act, and this corporation shall be bound by the undertakings and contracts of said merged Other acts legalized.

corporation, the same as though made with it, after the passage of this act.

Trustees.

§ 5. That the government of this corporation shall be vested in twelve trustees (together with the governor of the state of Illinois, who shall be *ex officio* a member of the board), to be called the "board of trustees," one of whom (to be chosen annually by themselves) shall be president and five of whom shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The term of office of trustee shall be three years, except as hereinafter provided, in reference to the first board, and in case of an appointment to fill a vacancy.

By-laws.

§ 6. That the board of trustees shall have power to enact ordinances, by laws, and regulations for the government of the institution (college and academy), to elect a president therefor; to fix, increase or reduce the regular number of professors and tutors; to appoint a secretary, treasurer, executive committee and such other officers and agents as they may deem the interests of the corporation may require, who shall hold their offices at the pleasure of the board, and perform such duties and receive such compensation as the board may prescribe.

Removals.

§ 7. That the board of trustees shall have power to remove the president, and any professor, tutor or other officer or agent appointed by them when the interest of the corporation, in their judgment shall require it, and may determine who shall be received in the institution as students, and may expel students for acts which they may deem misconduct.

Professorships.

§ 8. That the board of trustees shall have authority to prescribe and determine the number of professorships in the Institution, the particular branches of education that shall be taught, and the course of studies pursued therein (including infantry tactics and military police), and fix the rate of tuition and other expenses of students.

Bond of treasurer.

§ 9. That the board of trustees shall require the treasurer (and if they shall deem it best, any other officer or agent,) to give bond for the security of the corporation in such penalty, with such security, and upon such conditions as they shall approve. And all process against this corporation shall be by summons, and the service thereof shall be by leaving a copy thereof with the treasurer of the corporation at least thirty days before the return day thereof.

Division of trustees.

§ 10. That the persons named in the first section of this act shall constitute the first board of trustees, and shall be by themselves at their first meeting divided by lot into three classes, and the term of office of the first, second and third class shall be one, two and three years respectively, from and after the Tuesday next preceding the last Wednesday of the month of June, A. D. 1867: *Provided*, that

the governor of the state of Illinois, *ex officio*, shall be and remain always a member of said board.

§ 11. That the first meeting of the board of trustees under this act shall be held at the college on the first Tuesday of the month of March, A. D. 1867. And if a quorum should not then convene, a meeting shall be held as soon thereafter as practicable. Subsequent meetings of the board shall be held at such times and places as the trustees in their by-laws shall determine, and it shall be the duty of the secretary to keep a full and complete record of the doings and proceedings of the board of trustees, and certified copies thereof by the secretary under the seal of the corporation shall be evidence in all courts and places.

Place of first meeting of trustees.

Record of proceedings.

§ 12. That for the purpose of electing trustees, every person who may have contributed and paid twenty-five dollars to the fund which established and has maintained the corporation merged as aforesaid in the one hereby created, and every person who shall hereafter contribute and pay to this corporation twenty-five dollars, shall be deemed a shareholder and a member of the corporation and entitled to one vote for every twenty-five dollars thus contributed. And a certificate showing the number of shares held by such person, if not heretofore shall hereafter be issued to him or her.

Shareholders.

§ 13. That on the Tuesday next preceding the last Wednesday of the month of June, A. D. 1868, at the college and at the same place and on the same day of each year thereafter there shall be elected from among the shareholders, twelve trustees, which election shall be by ballot, and by a majority of the votes of the shareholders present and voting. And it shall be the duty of the board of trustees in their by-laws to provide the manner of holding and conducting such election, and of the notice thereof to be given.

Election for trustees.

§ 14. That in case it should happen that an election of trustees should not be made at the time herein specified this corporation shall not on account thereof be dissolved, or its rights forfeited, but it shall be lawful on some other day to call a special election for such purpose in such manner as may be prescribed by the by-laws, and the trustees whose terms of office have expired shall act until their successors have been elected and have accepted.

Dissolution of corporation and forfeiture of rights.

§ 15. That the said board of trustees shall have power to fill any vacancy or vacancies that may occur in the board, whether by death, resignation, inability to act, or otherwise, at any meeting of the board, and shall also have power to remove or displace any member of the board who at any time may become disabled or disqualified in any wise to meet with, or shall neglect or refuse to meet with and serve as a member of said board, and the cause of said removal shall be entered upon the records of said board, and notice thereof given to the member removed.

Vacancies.

Professions of faith not required. § 16. That the said college shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required either of officers or pupils.

Exemption from taxation. § 17. That the property of this corporation shall be and remain free from taxation and assessment.

§ 18. That this act shall be a public act, and shall be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb. 25, 1867. AN ACT to incorporate the Simpson Seminary and Collegiate Institute.

Name and style. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph C. Ward, Lewis B. Gould, George W. Demmit, Peter Ben-nage, Peter Zarmchly, Sylvester Wright, Josephus Burton, John Murray, J. N. Renton, and such other persons as are or may be hereafter associated with them and their suc-cessors in office, be and they are hereby created a body politic and corporate, under the name and style of "The Simpson Seminary and Collegiate Institute," for the purpose of es-tablishing an institution of learning, in or near the town of Eureka, in the county of Woodford, and state of Illinois, for the education of males and females.

Corporate pow-ers. § 2. The corporate powers hereby bestowed on said institution shall be the following, to-wit: To make contracts, to sue and be sued, to plead and be impleaded in all courts of law and equity; to receive and grant by their corporate name; to acquire and hold real estate and other property, by purchase, gift, grant, devise or otherwise, in all lawful ways; use, employ, manage and dispose of all such property and money as belong, or may belong to said corporation in any or all such ways as may to them seem best calculated to promote the objects of this institution; to have a common seal, and to alter the same at pleasure, to make any such by-laws for the management of said institution as shall not conflict with the constitution and laws of this state, or of the United States.

Management and control. § 3. The estate, property and effects of every name and nature, and all financial concerns of said corporation shall be managed, controlled and transacted by a board of nine trustees, to be elected by the stockholders, as hereinafter mentioned: *Provided*, that at least two-thirds of said board of trustees shall at all times be members of the Methodist Episcopal church, and that each of said mem-bers shall be over the age of twenty-one years, and at the

time of his election a citizen of the state of Illinois, and on ceasing to be such members shall cease to be such trustees, and his or their place shall be filled by appointment of such board until the next annual election.

§ 4. The board of trustees may employ and appoint a president, and professors and all such officers and instructors as may be necessary, and shall have power to remove any, or such of them as the interests of the institution may require, and to fill all vacancies that may at any time occur, and to appoint three persons, who, together with the visiting committee hereinafter mentioned, and the faculty, shall constitute a committee of examination in reference to the scientific and collegiate standing of the students in said institution. Officers and instructors.

§ 5. The board of trustees shall have power to devise, prescribe and regulate a thorough course of classical and scientific study in said institution, and to confer upon all who may honorably complete such course of study such diplomas of honor and degree as are usual in the best literary institutions. Course of studies.

§ 6. The persons named in the first section of this act shall constitute the first board of trustees, and shall be divided by lot into three classes; the time of the service of the first class expires on the last Monday in May, A. D. 1868; that of the second class in one year, and that of the third class in two years thereafter. Trustees.

§ 7. On the last Tuesday in May, A. D. 1868, and the same day of each year thereafter, there shall be a meeting of the stockholders to transact business, at which meeting there shall be an election of three trustees, who shall hold their office for the term of three years, and until their successors shall have been elected or appointed. All vacancies may be filled at such elections; and such elections shall be by ballot, and a majority of the stockholders present shall elect. Election of.

§ 8. There shall be a board of three visitors appointed by the annual conference of the Methodist Episcopal church, within the bounds of which said institution shall be located, who may jointly with the board of trustees appoint the professors and teachers, arrange the course of study and determine the general manner of conducting the said seminary and collegiate institute. Board of visitors.

§ 9. Said corporation may have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, and subscriptions shall be binding when \$25,000 worth of stock shall have been taken, and shall be payable in installments, as said trustees may from time [to time] direct; and any subscriber failing to pay any installment or installments, shall, at the option of the trustees, forfeit his claim to said stock and all payments made thereon; said trustees may increase the capital stock to one hundred Capital stock.

thousand dollars, if by them deemed necessary for carrying out the purposes of said association.

Membership. § 10. Any person holding a certificate for one or more shares of said corporation stock, shall be a member of this corporation, and entitled to one vote for each share of stock by him held, on which all installments required by said trustees shall have been duly paid: *Provided*, that the trustees shall not, without the consent of all the members of the corporation demand installments of more than fifteen per cent. per annum on the amount of stock held by each member respectively, the said stockholders shall be entitled to such dividends on their stock, as the trustees shall from time to time declare thereon.

Trustees' duties § 11. The trustees shall choose their own officers and make their own by-laws, and may fill any vacancies in their body by appointment, until the next annual meeting.

Annual reports. § 12. The trustees at each annual meeting shall make and submit a report to the stockholders of the condition of the institution, the state of its finances, together with an inventory of its property, and declare such dividend from the net proceeds and profits of its receipts and business as the state of the finances of said institution may warrant: *Provided*, that no dividend shall ever be made or declared when its payment would embarrass the finances or efficiency of this institution.

Dividends. § 13. The property, both real and personal and mixed, belonging to this corporation, at any time during its existence, such as may be used and occupied for college purposes, shall forever be and remain free from taxation.

Property exempt from taxation. § 14. Any promissory note, bond, bill or other instrument in writing, made payable by any person or persons, body politic or corporate, which is by law made negotiable, and made payable to said corporation, shall be assignable by indorsement thereon, under the hand of the president of the board of trustees of said corporation, so as absolutely to vest the title of the same in their assignee or assignees, in the same manner that bills of exchange are, so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively.

Notes and bonds assignable. § 15. A majority of the board of trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day, until a quorum shall be secured, and shall have the power to determine the rules of their own proceedings, and with the concurrence of two-thirds expel a member.

Quorum. § 16. This act is hereby declared to be a public act, and shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the Mount Carroll Seminary.

In force Feb. 25,
1867.

WHEREAS, the legislature of the state of Illinois passed an act, approved June 18, 1852, entitled "An act to incorporate the Mount Carroll Seminary," under which a president and trustees were elected, an organization effected, a tract of land obtained at Mount Carroll, Carroll county, in said state, and a seminary building erected thereon; and whereas, the said president and trustees, on or about the 30th day of March, 1855, did grant, bargain, sell and convey the said tract of land, seminary building, and all their property of every description, to Frances A. Wood (now Frances A. Wood Shimer) and Cindarilla M. Gregory, and thereafter, hitherto ceased and have ceased to act as a corporate body; and whereas, the said Frances A. Wood Shimer and Cindarilla M. Gregory are now the joint proprietors and managers of said institution, and have purchased additions to said tract of land, until it now contains about twenty-five acres, and have also made corresponding additions to the seminary buildings, and are desirous of obtaining a new act of incorporation, for the better ascertaining of their rights, powers and privileges, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Frances A. Wood Shimer and Cindarilla M. Gregory, their heirs and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Mount Carroll Seminary," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever; and may have a common seal, and alter the same at pleasure, or use a scroll for a seal.

§ 2. The said corporators, their heirs and assigns, shall have power and authority, by their said corporate name, to contract and be contracted with, to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property, and all moneys belonging to said corporation as to them shall seem proper; to prescribe and regulate, from time to time, the course of studies to be pursued in their seminary; to fix the rates of tuition and other seminary expenses; to appoint instructors and such other officers and agents as they may deem necessary to manage the concerns of the institution; to define their duties, fix their compensation, and displace or remove them for reasonable cause; to erect on said tract of land such additional buildings as they may deem necessary; to purchase suitable books and apparatus for the use of the institution, and to make and adopt such by-laws, rules and regulations for the conduct of the students, the management of the institution,

and the affairs of the corporation as they may deem necessary or expedient, and as are not in conflict with the constitution and laws of the United States, and of this state; to grant diplomas to, and confer academical and honorary degrees upon such persons as may complete their prescribed course of study, and such other persons as they may deem worthy, according to the course and practice of other similar institutions.

Property held
and exempt
from all taxa-
tion.

§ 3. The said tract of land, together with such additions as may be made thereto, and all buildings and improvements thereon, or which may hereafter be placed thereon, together with all the books, furniture, apparatus, musical instruments and other personal property, of every name and description, now, or which may hereafter be connected with said institution, or used or kept upon said premises, either for the use of the seminary, the cultivation or improvement of the grounds of said corporators, or the pleasure of the proprietors, principals or teachers, shall be held and deemed as the property of said corporation, and shall forever be exempt from taxation for state, county, town, municipal or other purposes; but nothing in this act shall prevent the said corporators, their heirs and assigns, from granting, bargaining, selling and conveying said property, either in their individual names, or by their corporate name aforesaid; and conveyances made in either of said modes shall be binding and effectual, to all intents and purposes, both at law and equity.

Officers and
government.

§ 4. The said corporators, their heirs and assigns, shall have power and authority to appoint one of their number president, and another secretary, to hold office as such until successors shall be appointed, and to authorize such president to execute any and all contracts and conveyances in the corporate name; and should they at any time deem it for the interest of their institution to change its location, by purchasing more ample grounds, and erecting new seminary buildings, then, and in that case, the powers and privileges herein granted shall extend to, and include such newly acquired property, and shall cease to operate as to the property hereinbefore mentioned, so far as specially applicable thereto.

Act approved
18th June, 1852,
repealed.

§ 5. *And be it further enacted*, That the said act of the legislature of this state, entitled "An act to incorporate the Mount Carroll Seminary," approved June 18, 1852, be and the same is hereby repealed.

§ 6. This act shall be held, taken and deemed a public act, and shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate Metropolis Seminary in Metropolis, Illinois.

In force February 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin Kimball, Alford Cutting, G. W. Neely, Hugh Worthington, J. R. Lukins, Dr. J. L. Gibhart, and Dr. E. M. Melton, and their successors, are hereby created a body corporate, under the name and style of the "Metropolis Seminary," with perpetual succession and power to sue and be sued, either at law or equity; to answer and be answered unto in all places; to have and use a common seal, and to alter the same at pleasure; to take and hold real estate and other property by purchase, gift, grant, devise or otherwise, for educational purposes only; to use, employ, manage and dispose of any or all such property, and all moneys belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the cause of education; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States nor with this state; to confer upon such persons as by examination may be considered worthy, such academical or honorary degrees as are usually conferred by similar institutions.

Name and style

Powers.

By-laws

Academical honors.

§ 2. The object of said institution shall be to furnish both males and females with an English and classical education.

Object.

§ 3. The trustees of said incorporation shall have authority, from time to time, to prescribe and regulate the course of study pursued in said seminary, to fix the rate of tuition and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties and fix their salaries; to erect necessary additional buildings; to make rules for the general regulation of the conduct of the pupil, and establish such ordinances, rules and by-laws as they may deem necessary.

Course of study

Rate of tuition.

Officers, agents, etc.

Salaries.

Ordinances.

§ 4. The stock of said institution shall consist of shares of twenty-five dollars each, and shall be considered personal property, and shall be transferable by assignments of certificate on the books of the corporation as the trustees shall prescribe. The capital stock of said corporation shall not exceed fifty thousand dollars, and such capital and its accumulations shall be used for the purposes of education, and for no other purpose.

Stock.

Shares.

Capital stock.

§ 5. There shall be an annual meeting of stockholders in this incorporation on Friday after the 4th day of July, in each year, for the purpose of business, and to fill any vacancy in the board of trustees, and at which meeting the trustees shall make a report of the general condition of the seminary, the number of teachers, the progress of pupils, and the financial condition of the incorporation.

Annual meeting of stockholders.

Vacancy.

Reports.

Privileges of
stockholders.

§ 6. Any person holding one or more shares in certificate of the capital stock of this corporation or institution, shall be entitled to as many votes as he holds shares, and each stockholder sending a pupil to said seminary, shall be allowed a deduction of six per cent. annually, from the established price of tuition, to be deducted, *pro rata*, from the tuition of each term.

Establishing
alleys.

§ 7. The trustees shall have power to establish an alley upon the east side of the plat of ground upon which the seminary building now stands, of the same width as the alleys in the city of Metropolis, and the alley running east and west through the lots belonging to said seminary, and connected to said building, except by said alley, be and is hereby vacated.

Property ex-
empt from tax-
ation

§ 8. All property of whatsoever kind and description, belonging or appertaining to said seminary, shall be and forever remain exempt from taxation for any and all purposes whatsoever.

Trustees.

§ 9. The before named corporators shall be the trustees of this incorporation until their successors are elected and qualified, and the trustees shall so arrange their number by lot, that two shall go out the first year, two the second year, and three the third year.

Taxes.

§ 10. The state taxes of Massac county, Illinois, to be levied and collected for the year 1867, are hereby granted and appropriated to aid said institution in the completion of the said building. The sheriff of said county to pay the same over when collected, to the treasurer of said institution.

§ 11. This act to be in force from and after its passage.
APPROVED February 25, 1867.

In force Febru-
ary 25, 1867.

AN ACT to incorporate the Evanston Academy.

Name and style

Powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John Evans, Charles H. Fowler, Henry Bannister, A. E. Bishop, E. Haskin, Thomas C. Hoag, H. B. Hurd, O. Huse, J. F. Willard, O. Marcy and L. Kistler, and their successors, be and they are hereby constituted a body corporate, under the name and style of "The Evanston Academy," to remain and have perpetual succession, with power to sue and be sued, to plead and be impleaded; to acquire, take, hold and use in trust and otherwise, and convey property, real, personal and mixed, in all lawful ways, for the promotion of the objects of this incorporation; to have and use a common seal, and alter the same at pleasure; to make and

alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and students: *Provided*, such by-laws be not inconsistent with the laws of this state or of the United States of America.

§ 2. The president of the board of trustees of the North Western University, and the president of the faculty of said university, shall be, *ex officio*, members of the board created by this act. Of the other persons named in the first section, three shall hold office for one year, three for two years, and three for three years, in an order to be determined by lot, and their successors shall be elected by the board, and shall hold office for three years; and a majority of said board shall, at all times, be members of the Methodist Episcopal church.

§ 3. Said institution shall be and remain located in the village of Evanston, in the county of Cook, and no cemetery or place for the burial of the dead shall be laid out or established within one mile of the site of the academy herein provided for: *Provided*, this act shall not prevent interments in any family or other burying ground now in use within said limits.

§ 4. The property of said institution not to exceed fifty thousand dollars, shall be forever free from taxation.

§ 5. This act shall be a public act, and in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to amend an act entitled "An act to incorporate the North Illinois University." In force April 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the first section of the act entitled "An act to incorporate the North Illinois University," approved February 15, 1855, be amended by striking out the words "North Illinois University," and inserting in their place and stead the words "Marshall College."

APPROVED February 28, 1867.

In force March 1, 1867. AN ACT to incorporate the McDonough Normal and Scientific College.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Frederick Crusier, Solomon Kious, Amaziah Hanson, James Manley, D. R. Hamilton, Alexander Blackburn, Beverley R. Westfall, Jonathan H. Baker, Crosby F. Wheat, Joseph C. Thompson, Charles Chandler, Daniel Branch and William E. Withrow and their successors, be and they are hereby created a body politic and corporate, to be styled and known by the name of the "Trustees of the McDonough Normal and Scientific College," and by that style and name to have perpetual succession, with power to contract with, sue and be sued, plead and be impleaded, to acquire, hold, use and convey property, real, personal and mixed, to use a common seal, and the same to alter and change at pleasure; to make and alter by-laws for the government of the same.
Style and name	§ 2. The number of trustees shall never exceed twenty, exclusive of the president, who shall, <i>ex-officio</i> , be a member of the board. Five of the trustees shall constitute a quorum to transact business. The above named incorporators shall constitute the board of trustees until others are elected by the stockholders, at such time and place as may be fixed by the board of trustees, and shall have power to fill all vacancies in the board occasioned by death or otherwise.
Powers.	
Officers.	§ 3. The officers of the board shall consist of a president, secretary and treasurer. The treasurer or any other officer, may be required to give bond and security for the faithful discharge of the duties required of them, by the board. The president shall not vote except in the case of a tie, when he shall give the casting vote. The appointment of said president, secretary and treasurer, shall be by the trustees.
Time and place of meeting.	§ 4. The trustees shall hold their first meeting at the city of Macomb, within four months from the passage of this act, they shall have the power to lease or erect the necessary buildings, to appoint a president, professor and teachers, any other agents and officers, to confer degrees in the liberal arts and sciences, and grant diplomas therefor; to prescribe and regulate the course of studies, to purchase books, chemical and philosophical, and other suitable means of instruction.
Stock.	§ 5. The stock of said corporation shall consist of shares of fifty dollars each, to be subscribed for in the manner that the trustees shall direct, and which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as the board of trustees may prescribe, and each stockholder so constituted shall be entitled to a vote for each and every share upon all business conferred upon them by the corporation.

§ 6. The lands, lots, buildings, library, chemical, philosophical or other apparatus, belonging to said corporation, and used for school purposes, not exceeding in value the sum of twenty thousand dollars, is, and the same shall be *forever* exempt from taxation for state, county or corporate purposes; and also exempt from execution for other than debts or demands against said corporation in its corporate capacity and liabilities. Property exempt from taxation.

§ 7. The college shall be permanently located within the city of Macomb, McDonough county, Illinois, on such ground as the trustees may deem best. Location. The president with the concurrence of two of the trustees or any three of the trustees, shall have power to call a special meeting of the board. Said institution shall be entitled to a suit of the specimens which have been or may be collected under the fourth section of an act for a geological and mineralogical survey of the state, approved February 17th, 1851, and the several amendments thereto. "Specimens"

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED March 1, 1867.

AN ACT to amend the act, entitled "An act to incorporate the Fowler Female Institute, approved February 10, 1857. In force Feb. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Fowler Female Institute, in the town of Newark, in Kendall county, be and the same is hereby changed to Fowler Institute, and all the lands, property, privileges, powers, rights and franchises of said Fowler Female Institute, and all the property, lands, rights, powers and franchises of the trustees of Fowler Female Institute, are hereby transferred to the trustees of Fowler Institute. Name changed.

§ 2. Any persons who have already donated money or other property, to the trustees of Fowler Institute, for educational purposes, or any persons who shall hereafter donate money or property to the same, shall be considered stockholders of said Institute and shall be entitled to a certificate of one share of stock, for every fifty dollars thus given, each share of stock shall be entitled to one vote in all elections. A meeting of stockholders shall be held in the building of said Institute, on the Thursday next succeeding the third Monday in the month of June of each year, for the purpose of electing trustees of said Institute. The voting shall begin at eleven o'clock A. M., and any Powers transferred.

Stockholders and stock.

Meetings of stockholders.

person who receives a majority of all the votes cast, either in person or by proxy in writing, shall be and is hereby declared a trustee.

Trustees and
duties of

§ 3. The number of trustees of Fowler Institute shall be seven, including the principal of the school, who shall be, *ex-officio*, a trustee. Two trustees shall be elected at each annual meeting of the stockholders, to serve each three years, and until their successors are elected; except that at the annual meeting of stockholders in June, 1867, there shall be five trustees elected as follows: one for one year, two for two years, and two for three years, and until their successors shall be elected. Brownell Wing holding over at present is hereby continued in office, until the annual meeting in 1868. The trustees shall make a report at each annual meeting of the stockholders, of all their acts for the school year closing, both in regard to the property entrusted to their care, and in regard to the progress and welfare of the school.

Unlawful acts.

§ 4. To enable the trustees to fulfill the trusts committed to their care by this act, and the act to which this is an amendment, and to secure the ends of this incorporation, it is hereby declared unlawful for any person to entice any student of the said Institute into the practice of gambling, or to furnish to any student any device or instrument for gaming, or any intoxicating liquors, and any billiard room, bowling alley, race course or other device or instrument for gaming, or any brothel or house of ill-fame, or place where ale, beer or any intoxicating liquors are sold or furnished, except for medicinal or mechanical purposes, within one mile and one-half of the site of said Institute, is hereby declared a nuisance, and subject to abatement as such.

Construction of
act.

§ 5. This act shall be taken and held to be a public act, and shall be liberally construed for carrying into effect the powers therein conferred in all courts and places, and shall be in force from and after its passage.

APPROVED February 28, 1867.

In force March 5, 1867. AN ACT to incorporate the United Presbyterian Theological Seminary of the Northwest.

Preamble.

WHEREAS, it is represented to the general assembly of the state of Illinois that the synod of Illinois of the United Presbyterian church of North America (which has since been divided into two synods, now known as the synod of Illinois, and the synod of Iowa,) did, in the month of August, A. D. 1859, adopt an instrument entitled the "Constitution of the United Presbyterian Theological Seminary, at Mon-

mouth, Illinois," and have now a seminary for the professional education of candidates for the christian ministry, established and in operation, under the said constitution; and whereas, it is represented that, in order to the more convenient custody, management and disposal of the funds and other property now possessed, and which shall hereafter be possessed for the use of the said seminary, by the synods aforesaid, and other synods which shall become united with them in the direction and control of the said seminary, in conformity to the said constitution, it is necessary that there be constituted a board of trustees, which shall be a corporation, or body corporate and politic, in law and in fact; therefore.

SECTION 1. *Be it enacted by the People of the State of* Name and style of
Illinois, represented in the General Assembly, That D. G. Bradford, J. A. P. McGaw and David A. Wallace, who at present constitute the board of trustees aforesaid, in said office, and their successors, duly elected and appointed in the manner hereinafter provided, be and they are hereby constituted and declared a corporation, or body corporate and politic, in law and in fact, and to have continuance and perpetual succession, by the name and style of "The Trustees of the United Presbyterian Theological Seminary of the Northwest."

§ 2. That the said corporation shall be composed of not Trustees
 more than nine, or less than three trustees; of whom not less than two-thirds shall be citizens of the state of Illinois; and the board of directors of the seminary established under the said constitution shall have power at any meet- Power of.
 ing, held in the state of Illinois, to change one-third of the whole number of trustees in such manner as to the said board of directors shall seem proper, and to fill all vacancies which may then exist in the board of trustees; and of every trustee so appointed, the proper credentials shall be a written certificate of his appointment by the board of directors, authenticated by the names of its president and secretary.

§ 3. That two-thirds of the members of the said cor- Quorum.
 poration being met for the first time, in conformity to this act, or afterwards, in the manner hereinafter provided, shall be a quorum competent to transact its business.

§ 4. That the said corporation shall have power to Rules and by-laws.
 make all rules and by-laws which may be necessary and proper for the transaction of its business; it shall have power according to its own rules, and as shall seem to it proper; to appoint a president, a vice president and a secre- Officers.
 tary out of its own members, and other officers or agents at its discretion, the times and tenures of their offices respectively, the duties belonging to each, and the pecuniary compensation which they shall receive.

Time and place
of meetings.

§ 5 That the first meeting of the said corporation shall be held in the city of Monmouth at such time as any two of the trustees named in this act, being assembled together, shall appoint; afterwards it shall meet at such times and places as it shall appoint, and the president, or in case of his absence or inability, or refusal or neglect to act, the vice president, or if he fail, the secretary shall have power, and when requested by any two trustees, it shall be his duty to convene the corporation; of the time and place of which special meeting the officer calling it shall give to each trustee due notice, either by himself, orally, or by some other person, or by a written note, left at the dwelling or the usual place of business of such trustee, or sent to him by mail a sufficient time before such meeting.

Decision of
questions.

§ 6. That all questions before the said corporation shall be decided by a majority of the members present at the time; and on every such question each member shall have one vote, except the president or other person when acting as president, who shall have only the casting vote, in case the votes of the other members shall be equally divided.

Seal.

§ 7. That the said corporation shall have power to make, have and use one common seal, with such device and inscription as it shall appoint, and the same to break, change or renew at its discretion.

Treasurer and
his duties.

§ 8. That the said corporation shall have power to appoint a treasurer, who shall hold his office during the pleasure of the corporation, whose duty it shall be, under the direction of the corporation, to keep all books of account, to have the custody of all such books of account, securities of every kind, and other papers and documents relating to the finances, and of all funds, moneys and other property, real and personal, except the buildings and grounds connected therewith, occupied by the seminary, the library and furniture of which, subject to the disposal of the corporation, the faculty shall have the custody and control; and to present to the corporation annually, and oftener whenever required, a clear, full and true report of the transactions of the current year, or any part thereof, and of the whole state of finances. He shall be the keeper of the seal, and shall have the sole right to use it for the authentication of such instruments as the corporation shall direct him thus to authenticate; and shall execute to the corporation, whenever required, a bond or bonds, in such penal sum or sums, and with such securities as the corporation shall prescribe, for the faithful execution of his office; and of all such bonds and securities the president of the corporation shall have the custody.

Suits at law.

§ 9. That the said corporation, by the name and style aforesaid, shall be capable and able in law to sue and be sued, plead and be impleaded, in any court or courts of law or of equity, before any judge or judges, in all and all

manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind and form they may be; and all things therein or in anywise relating to do in as full and effectual a manner as any person or persons, or any body politic and corporate within the state may or can do.

§ 10. That the said corporation is hereby expressly prohibited from exercising in virtue of any power derived from this act, any authority or control in any way whatever in respect to the doctrine or doctrines taught, the course of instruction and study, or the government and discipline in the said seminary, or to the appointment of professors or other instructors in the said seminary; the tenure of their offices, or the execution thereof, or to the pecuniary compensation which any such professor shall receive, or the time or manner of its payment, all of which matters and things shall remain under the exclusive power and direction of the synods aforesaid, and such other synods as shall become united with them therein in conformity to the provisions of the constitution of the said seminary as the same now exists, or as it may hereafter exist by amendments provided for by the said constitution, and of the board of directors of the said seminary, and so far as it respects the execution of their own offices to the professors of the said seminary, the said directors being in all things appertaining to their own offices subject to the control of said synods and the professors amenable to the board of directors in conformity to the said constitution.

Prohibited powers and functions.

§ 11. That the said corporation, by the name and style aforesaid, shall be capable in law and have full power to take, receive and hold all and all manner of lands, tenements, moneys, stocks, rents, annuities, reversions, franchises, legacies, hereditaments, and other property, real or personal, whatsoever, which have at any time or times heretofore been granted, sold, bargained, released, devised or otherwise conveyed to any other body politic and corporate, or any other person or persons whatever, for the use of the said seminary, or in trust for the same; and the said lands, tenements, moneys, stocks, rents, annuities, reversions, franchises, legacies, hereditaments, and other property, real and personal, are hereby vested and established in the said corporation forever, according to the use and interest for which such gifts, grants, devises, releases, or other conveyances respectively, were originally made, and the said corporation is hereby declared to be seized and possessed of such estate or estates therein, as in and by their respective grants, sales, bargains, enfeoffments, gifts, devises and other conveyances thereof are declared limited and expressed; that further the said corporation, and their successors shall be capable in law and shall have full power to take, receive, hold and enjoy, in fee simple, or of lesser estate or estates in trust for the use of

Possession of real estate and property, etc.

Proviso.	<p>the said seminary, all lands, tenements, moneys, stocks, rents, annuities, franchises, legacies, hereditaments, and other property, real and personal whatsoever by sale, bargain, grant, enfeoffment, release, gift, devise or other conveyance of any body politic and corporate, or of any person or persons capable to make the same, and that no misnomer of the said corporation and their successors shall annul, defeat or in anywise impair any gift, devise or grant of any kind to the said corporation, or to any other person or persons, or any other body politic and corporate for the said corporation: <i>Provided</i>, that the interest of party or parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby it was intended that any estate or interest should pass to such corporation or to any other body politic and corporate for the use of the said seminary.</p>
Exemption from taxation.	<p>§ 12. The tract of land on which the buildings of the said seminary may now or hereafter be erected, together with all the furniture, books, apparatus, and all property, real and personal, moneys, effects, notes, bonds, bills and evidences of indebtedness, belonging to the said seminary, shall be and are hereby exempt from all taxes to the amount of one hundred thousand dollars.</p>
Investments of funds.	<p>§ 13. That the said corporation and its successors shall have power to invest and loan all moneys and funds, and buy, bargain, sale, lease, or otherwise to manage, sell and dispose of any and all lands, tenements, stocks, rents, annuities, franchises, legacies, bequests and estates of any kind of which they shall be legally seized and possessed for the sole use of the said seminary in the promotion of the objects for which it is established and in conformity to the provisions of this act that the said corporation shall have power and it shall be its duty out of any estate, funds and property in its possession, custody, management and control, and not otherwise appropriated and limited to provide by purchase or otherwise, grounds, buildings, libraries, furniture and other accommodation for the use of the said seminary, and in like manner to provide an income for the payment of all such salaries and compensations of professors, instructors and other officers and agents of the said seminary as shall be allowed and appointed by the board of directors of said seminary, and for the payment of the salaries and compensations allowed and appointed by the said corporation to its own officers, agents or other persons, and for defraying all the necessary and proper expenses for the transaction of its business.</p>
Sale and disposition of all property and effects.	
Provisions for building, libraries, furniture, etc.	
Payment of salaries, etc.	
Special instructions.	<p>§ 14. That in all cases in which special instruction shall be given by the board of directors of the said seminary, in writing, authenticated by the names of its president and secretary, in respect to the custody, investment, management or disposal of any lands, tenements, stocks, moneys, gifts, legacies, hereditaments, property, real and personal</p>

estate or estates of any kind of which the said corporation shall be possessed, it shall be the duty of the said corporation to act in conformity to said instructions: *Provided*, Proviso. that the said instructions shall not be repugnant to the constitution of the United States, to the constitution and laws of this state or to this act.

§ 15. That the said corporation shall keep a journal of its proceedings, and shall keep regular and fair entries of all its pecuniary transactions, and a true and exact account of its receipts and disbursements, in a book or books, kept for that purpose, make to the board of directors of the said seminary a clear, full and true report of the transactions of the current year, or any part thereof, and of the whole state of the finances, and shall, whenever required, submit its journal and all books of account, securities, and other papers and documents relating to the business of the corporation, to the examination of the board of directors of the said seminary, or of any person or persons appointed by the said board to make such examination. Journal of proceedings.

§ 16. That the said corporation shall have power to take, receive, hold, possess and enjoy, for the use of the said seminary, lands, messuages, tenements, stocks, rents, annuities, grants, gifts, hereditaments and other estate, real and personal. Possess property, etc.

§ 17. This act shall be deemed and taken to be a public act, and shall be of force from and after the date of its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Kankakee Male and Female Seminary.

In force March 4, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That David F. Hicks, John Dale, Julius Taylor, John Stiles, D. S. Parker, Emery Cobb, B. F. Livingston, and their successors in office, are hereby constituted a body corporate and politic, by the name and style of "Kankakee Male and Female Seminary," and by that name to remain in perpetual succession, with power to contract and be contracted with; sue and be sued; to hold all kinds of property, real, personal and mixed, acquired by gift, purchase, grant or otherwise, and to dispose of, convey, or encumber the same; to have and use a common seal, and alter the same at pleasure; to make and alter such by-laws as they may deem necessary for the government of said corporation, its officers and employees, not inconsistent with the constitution and laws of this state. Corporators. Name and style.

Objects.

§ 2. The objects of this incorporation is to build up and maintain at the city of Kankakee, in the county of Kankakee, an institution of learning, to encourage the arts and sciences, and promote educational interests and general improvement.

Trustees—their powers and duties.

§ 3. The persons named in the first section, and their successors, shall be the trustees of said institution; shall have power to erect or provide suitable buildings, appoint the necessary officers, professors and teachers; to confer degrees and give diplomas, such as are common in similar institutions.

Institution to be free.

§ 4. The said institution shall be opened to all persons of such age and qualification, and on such terms as shall be prescribed in the by-laws and rules of said incorporation, and no particular religious faith or profession shall be required of those applying for admission as students; but any whose habits are idle or vicious, or whose moral character is bad, may be suspended or expelled from said institution.

Sectarianism not to be taught.

§ 5. No sectarian principles or denominational creeds shall designedly be taught in said institution.

Endowment.

§ 6. The trustees, for the purpose of endowing said institution, may cause to be opened books of subscription to the capital stock of said incorporation, issue and dispose of scholarships, on such terms and conditions as may be agreed upon between them and the person or persons receiving the same.

Trustees to be elected.

§ 7. There shall be elected annually, by the acting trustees and stockholders a board of trustees, which shall consist of not less than five nor more than nine, who shall hold their office until their successors are elected, and at all elections and meetings of said incorporation, whether to appoint trustees, professors, teachers or employees, and in all acts pertaining to said institution, each stockholder shall be entitled to one vote for each share (\$100) of stock he or she may own: *Provided*, that no stockholder shall cast more than twenty votes, each trustee, by virtue of his office, shall be entitled to one vote. The time and place for holding said elections and meetings shall be determined by the trustees. The first election for trustees shall be on the first Saturday in April, 1867, and until such election the aforementioned persons shall be the trustees and perform the duties of the same. In case of death or resignation, the stockholders may fill such vacancies. The trustees or a majority of them, provided a majority of the stock is represented, shall have power to meet at such other times as they may deem expedient to further the interests of the institution.

First election.

Property free from taxation.

§ 8. All property, of whatever kind or description, belonging to or owned by said corporation, or held in trust by any persons or person, whether it be held in fee or a limited duration, shall be free from taxation, for any and

all purposes whatever, so long as it is held, used or intended for school purposes, the amount so exempt not to exceed twenty thousand dollars.

§ 9. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 4, 1867.

AN ACT to amend an act entitled "An act to incorporate the Urbana and Champaign Institute," approved February 21st, 1861. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section ten (10) of the said act exempting all the property of the corporation in said act mentioned, both real and personal, from taxation, be and is hereby repealed.

§ 2. This act to take effect from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Lincoln institute.

In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edwin C. Larned, Joseph T. Ryerson, Edward L. Tinkham, E. W. Blatchford, Edwin H. Sheldon, H. W. King, George L. Dunlap, William B. Ogden, Ezra B. McCagg, Tarleton Jones, John M. Douglas, Perry H. Smith, Julian S. Ramsey, George Sturgis, Gilbert Hubbard, Charles Hammond, Corydon Beckwith, James Dole, J. B. Calhoun, W. H. Bradley, William R. Larrabee, J. V. C. LeMoyne, F. B. Peabody, Walter L. Newberry, Leander McCormick, Samuel Shackford, A. C. Hessing, J. L. Stark, M. D. Ogden, I. N. Arnold, Ebenezer Buckingham, J. J. Sands, F. H. Kales, D. Goodwin, jr., Mark Skinner, J. M. W. Jones, Dr. J. N. Isham, Dr. J. W. Freer, John S. Reed, Samuel Nickerson, W. D. Houghteling, Nicholas D. Clapp, T. M. Jones, Charles G. Hobart, F. W. Pratt, Robert Haile, J. P. Clarkson, George Taylor, Henry W. Towner, John Borden, R. Meadowcroft, Joseph Stockton, John Woodbridge, Erastus L. Williams, H. F. Waite, George F. Bailey, Nathan Mears, Eli Bates, W. G. Lewis, Shelton Sturgis, W. R. Nixon, Thomas Phillipps, Theodore F. Phillips, H. Fox, A. E. Goodrich, A. C. Coventry, F. A. Eastman, George Schneider, R. B. Treadway, J. M. Roundtree, Corporators.

Name and style.	J. N. Jewett, V. C. Turner, W. M. Turman, or such of them as shall become stockholders under the provisions of this act, and their associates and successors be, and they are hereby created a body politic and corporate, under the name of "The Lincoln Institute," and by that name they and their successors shall have perpetual succession, with power to sue and be sued, to have and use a common seal, and to acquire, hold, sell and transfer both real and personal property by any and all the usual modes as individuals may and can do.
Institution to be established.	§ 2. The said corporation is hereby authorized to establish an institution for the education of girls in the "North Division of the city of Chicago," and shall have and exercise all such corporate powers as are essential or useful in the attainment of said object, and as are usually conferred on similar bodies corporate.
Capital stock.	§ 3. The capital stock of said corporation shall be sixty thousand dollars, but may be increased by the vote of the stockholders to an amount not exceeding one hundred and twenty thousand dollars, and shall be divided into shares of three hundred dollars each, which shall be personal property and transferable in such manner as the by-laws of the corporation shall prescribe. Each holder of a share of stock shall have the right to have a pupil educated in said institute by the payment of the prescribed amount for tuition and complying with the rules and conditions established by the board of trustees.
Board of trustees.	§ 4. The corporation hereby created shall be under the direction of a board of trustees, to be composed of such number as the stockholders may from time to time determine, and until otherwise ordered the number of such trustees shall be seven. Such trustees shall be stockholders and shall be elected by the stockholders at such time and in such manner as the by-laws of said corporation shall provide, and shall hold their offices for two years and until their successors are elected.
First board of trustees.	§ 5. Joseph T. Ryerson, Edwin C. Larned, Edward I. Tinkham, E. W. Blatchford, Edwin H. Sheldon, H. W. King and George L. Dunlap, shall constitute the first board of trustees under this act, and shall hold their offices until their successors are elected in manner herein provided.
Quorum of trustees.	§ 6. The board of trustees of said corporation, a majority of which shall constitute a quorum, shall have and exercise, unless otherwise ordered by the stockholders, all the powers hereby conferred on said corporation, and may elect such officers and appoint such agents and make such by-laws, rules and regulations not inconsistent with the laws of this state for carrying into effect the objects of this act, as to them shall seem expedient. They shall also have power to fill any vacancy that may occur in said board by death, resignation, removal or otherwise, and shall make
Vacancies--how filled.	

the needful provisions for the next biennial election of their successors. It shall be competent for said board to authorize the admission of boys into the primary department of said institute, subject to such regulations as to age and otherwise as they may deem expedient.

§ 7. The said board shall have power, with the approval of a majority of the stockholders, to change the name of the corporation and to entitle the same with the name of any individual who, by reason of the amount of stock in said corporation subscribed by him, or by donations or services in behalf of said institution, shall be deemed deserving of such honor.

Board may
change name.

§ 8. It shall be the duty of the board of trustees to purchase a suitable lot and to cause a suitable and tasteful school building to be erected thereon for the purposes of the institute which shall be of the best construction and arrangement and furnished in a complete and tasteful style, and with all needful and appropriate school furniture, fixtures and apparatus. To organize or provide for competent instructors in all the various departments of instruction needful or desirable to secure to the pupils a thorough and complete education. The purpose and aim of said board shall be to provide and maintain a first class institution in every respect for the education of girls, and they have all the power and authority needful to carry such object into full effect.

Trustees to purchase lot and erect building.

§ 9. The persons named as the first board of trustees shall open subscriptions for stock in said corporation, and may organize and proceed to carry out the objects of this act so soon as a sufficient amount of stock shall, in their judgment, have been subscribed for such purpose.

Subscription books to be opened.

§ 10. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to incorporate "Southern Illinois college."

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That Silas L. Bryan, C. J. Houts, T. F. Houts, H. F. Hamlin, R. H. Massey, Daniel Hain, Joseph Mosser, J. S. Lydick, Wm. H. Carrington, Isaac Forman, Garrett Crownover, C. S. Kellogg, Wm. Stoker, James C. Finley, John Gunn, J. C. Wilson, J. A. Davenport, S. G. Hicks, N. E. Adams, J. I. Richardson, J. B. Carrington, T. A. Eaton, G. W. Hughy, John Leeper, John Thatcher, J. W. Lowe, S. E. Willing, E. D. Lingenfelter, J. S. Morrison, J. H. Lockwood, E. Joy,

Corporators.

Name and style.	A. B. Morrison, Joseph Harris, Hiram Sears, Uriah Mills, David Adams, J. D. Gilham, T. N. Johnson, N. W. Abbott, J. W. Primmer, A. Bliss and T. P. Vandever, and their successors and assigns, be and are hereby created a body corporate and politic by the name and style of "Southern Illinois College," and by such name to have perpetual succession and existence, with power to sue and
Powers of corporation.	be sued, to plead and be impleaded, to take, have, hold and use property, personal, real and mixed by any mode of conveyance or transfer, and to lease, mortgage or sell and convey the same, as a natural person; to make, have and use a common seal, and to change or alter the same at pleasure; to make and alter by-laws for the government of the corporation, its officers, agents and servants; <i>Provided</i> , such by-laws be not inconsistent with the constitution and laws of the United States or of this state.
Object.	§ 2. The objects of the corporation shall be to establish at Salem, Marion county, Illinois, maintain, support and govern a college for general education, and all property and money acquired, shall be held and used solely for that purpose and not as a joint stock company for individual benefit.
Trustees—duties of.	§ 3. The trustees of said corporation shall have authority to establish departments and professorships in said institution, prescribe and regulate the course of studies, to fix the rate of tuition and other expenses; to elect a president and professors, and all such other officers and agents as may be necessary in managing the affairs of the institution, to define their duties, fix their compensation and to displace or remove them; to purchase or erect necessary buildings, to purchase books, chemical and philosophical apparatus, to make rules for the government of the institution.
Trustees to faithfully apply funds.	§ 4. The trustees shall faithfully apply all funds collected by them, as in their judgment will best promote sound learning: <i>Provided</i> , that in case any donation, devise or bequest shall be made for particular purposes in accordance with the objects of the institution, and the trustees shall accept the same, and every such donation, devise or bequest shall be applied in conformity with the expressed condition of the donor or deviser.
Trustees—number of.	§ 5. The board of trustees shall be composed of forty-two members, one-half of whom shall be members of the southern Illinois conference of the Methodist Episcopal church, or should the said conference be divided, they shall be members of the conferences, into which said conference may be divided, and the other half shall live within the bounds of said conference, the president of the college shall be, <i>ex officio</i> , member.
First board of trustees.	§ 6. The persons named in the first section shall constitute the first board of trustees, and shall be organized within

six months after the passage of this act. Immediately after such organization, they shall be divided into seven classes, one-half each class shall be ministers, as provided for in the fifth section of this act, and the term of service arranged by lot or otherwise, so that one class shall go out of office each successive year.

§ 7. The trustees shall have power to declare vacant the seat of any person who shall be absent during two regular consecutive meetings of the board. Vacancies.

§ 8. The college buildings and boarding house and the lot of land on which they are situated, including not more than ten acres, together with the furniture, cabinet, chemical and philosophical apparatus, shall not be liable to, nor holden for the debts contracted by the trustees; and it is hereby declared that the trustees shall have no power to sell, convey or mortgage the same, or to create or permit the existence of any liability, on account of which the same may be subject to sale under any decree, judgment or process of any kind, but the same shall remain forever free and exempt from sale, for or on account of any indebtedness or liability created by the trustees or permitted by them, to accrue or exist against the corporation, anything in this act to the contrary notwithstanding. College buildings, etc., not liable for certain debts.

§ 9. The board at each annual session shall proceed to nominate by ballot, to fill the vacancies which may have occurred by death, resignation, removal, expiration of term of service or otherwise. A list of the names receiving the highest number of votes, provided the said persons are qualified in accordance with the fifth section of this act, shall be forwarded to the next session of the annual conference Methodist Episcopal church, by the secretary, countersigned by the president, and on the ratification of said nominations by said conference, they shall become members of the board. Vacancies—how filled.

§ 10. The failure to meet in annual session shall not work a forfeiture of this charter, provided such failures shall not be for more than five consecutive years. Forfeiture of charter.

§ 11. On forfeiture of charter by provision of foregoing section, the court of chancery of Marion county shall, on application of any donor or legal representative of any donor, grant a decree to sell said property, the proceeds of such sale to be divided among the donors or their legal representatives *pro rata*.

§ 12. The trustees shall hold one annual meeting, with such other special meetings as the board may deem necessary. Any number present, after due notice has been given, shall constitute a quorum to transact ordinary business. A majority of the whole number must concur in the appointment, removal or dismissal of the president or any one of the professors. The trustees shall also have power, a majority of the whole number concurring, to appoint a committee Annual meeting

Executive committee.

not to exceed five, of which number the president shall be one, to be styled the executive committee, with power to attend to and execute all the appropriate duties of the board during intervals between the regular meetings. The said committee shall have power to fill vacancies which may occur in the faculty, but shall have no power to create vacancies by the removal of the president or any of the professors or trustees, except for immoral conduct.

Trustees may
confer degrees

§ 13. The trustees shall have power, on recommendation of the faculty, to confer on students such degrees in the sciences and liberal arts as in their judgment they may be entitled to.

How depart-
ments may be
established,
etc.

§ 14. There shall be no departments established or professorships created, except on concurrence of a majority of the whole number.

Endowment
commissioners

§ 15. At each annual meeting the board shall elect one from their number, who shall in connection with the president of the institution, and treasurer of the board, constitute the endowment commissioners of said college. Before entering on the duties of their office, they shall give bonds to be approved by the president and auditor of the board, in a sum double the amount which may be in their hands or under their control, and also for the faithful performance of the duties imposed upon them by the board of trustees. All moneys and other property, personal, real or mixed, which may be given from time to time to the endowment fund of the said institution, shall be under their exclusive control: *Provided*, in no case shall they sell real estate without the concurrence of the board of trustees.

§ 16. The act entitled an act to incorporate Southern Illinois Female College, approved February 18, 1855, is hereby repealed.

§ 17. This act is hereby declared a public act, and shall be admitted as evidence in all proceedings, judicial or otherwise, without being specially pleaded, and shall take effect on its passage.

APPROVED March 7, 1867.

In force March
8, 1867.

AN ACT to incorporate Southern Illinois College in Carbondale, Jackson county.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William Schwartz, Silas W. Leonard, Lysias Heap, B. F. Pope, Barnet A. Howard, H. D. Bantaw, John Hall, John Ford, John Goodall, John Lindsay, Stephen Blair, Daniel Gilbert and S. R. Hay, and their successors, be and are hereby*

created a body corporate and politic, to be styled "The President and Trustees of Southern Illinois College," and by that name to remain and have perpetual succession, with full power to sue and be sued, plead and be impleaded, defend and be defended against, both at law and equity, in any and all courts in this state, having jurisdiction of the subject matter thereof; to contract and be contracted with, to purchase, acquire and hold, sell and convey property, both real and personal; to have and use a common seal, to alter, amend or renew the same at their pleasure; to make, alter and amend, at their pleasure, a constitution and by-laws for the management and government of said institution, and finally to do whatever may be necessary to carry out fully the object of this act of incorporation.

Name and style
Powers.

§ 2. That the said college shall be located in or near the town of Carbondale, county of Jackson, state of Illinois. The object shall be to furnish instruction and means of education to all who may comply with the by-laws and regulations of the institution, and shall be open equally to all persons for this purpose: *Provided, however*, that the institution shall forever remain under the control of the Christian churches of southern Illinois, or that portion of the state lying south of the Ohio and Mississippi railroad.

Location of
college.

§ 3. The board of trustees shall consist of not more than thirteen persons, and five of the number shall constitute a quorum for the transaction of business, whose duty it shall be, and who shall have power to form and make a constitution and by-laws for the good government and management of said institution, to alter, amend and repeal the same at pleasure, and do all things necessary to be done in the premises for the purpose aforesaid.

Quorum.

§ 4. The trustees shall be elected by delegates of the Christian congregations of Southern Illinois, or that portion of the state lying south of the Ohio and Mississippi railroad, assembled in general convention in Carbondale, on the last Friday in June of each year, or as soon thereafter as the executive committee can call a special meeting of the convention, each church being entitled to three delegates and three votes in said election.

Trustees how
elected.

§ 5. The number of members to be elected each year and their term of office shall be determined as follows: On the last Friday in June, 1867, the board of trustees created by this act shall meet in Carbondale and proceed to draw lots for term of office, five drawing a lot that shall cause their term of office to expire immediately, four a lot that shall cause their term of office to expire in one year from that day, and four a lot that shall cause their term of office to expire in two years from that day. The qualified electors shall then proceed to elect trustees in the place of those whose term of office has expired, who shall hold office for a term of three years, and each succeeding year elect suc-

Term of trustees.

cessors to those whose term of office has expired: *Provided*, removal from the state shall be held and considered by the said board a resignation, and they may at once proceed to fill such vacancy till the next last Friday in June, when the qualified electors shall elect one who shall fill the unexpired part of the term of office made vacant by such removal.

Officers of college to be appointed.

§ 6. The board of trustees shall have power to appoint an executive committee and such other and additional officers and agents as may be necessary; and also such principals, professors and teachers as the good government and course of instruction adopted in such institution may require, and to remove any of them for sufficient reasons. They shall prescribe the course of studies to be pursued in the college, and to confer such degrees and rewards of merit as may be consistent with the object of the aforesaid institution.

Property exempt from taxation.

§ 7. That the property of whatsoever kind or description it may be, whether real, personal or mixed, already acquired or hereafter obtained, belonging or appertaining to said college, shall be forever free and exempt from all taxation for all and every purpose whatever, whether state, county, city or village, corporation, school or road taxes.

Board to appoint president of faculty, etc.

§ 8. The said board and president of the board of trustees shall have power to appoint the president of the faculty and all teachers or members of the faculty of teachers for said institution, fix their compensation, define and regulate their duties and to remove them on sufficient grounds, to fill all vacancies occasioned by such removals or by death, resignation or otherwise; to erect or cause to be erected suitable and necessary buildings, purchase books, chemical and philosophical apparatus and other means of instruction; to raise funds and property for all necessary purposes connected herewith, and to put into operation such rules and regulations for the management of the students as they may deem right and proper.

Agents, teachers, etc., when and how appointed.

§ 9. All agents, teachers, and the president of the faculty of instruction, shall be appointed by the board of trustees at their annual meeting the last Friday in June of each year, after the new trustees have been elected, and such agents, teachers and president shall hold their positions for one year, unless sooner removed by dismissal for sufficient reason, death or resignation.

Funds to be faithfully applied.

§ 10. The president and trustees of said college shall faithfully apply all the funds by them collected or hereafter acquired, according to their best judgment, in erecting suitable buildings, supporting the necessary instructors, officers and agents, in purchasing useful and necessary books, maps, charts, globes and chemical and philosophical apparatus, or promote sound learning in said institution.

Donations.

§ 11. Any donation, devise or bequest made for special purposes, in accordance with the object of said institution

if the trustees accept the same, shall be faithfully applied in accordance with such special purpose.

§ 12. The treasurer and all agents of said college, who shall be intrusted with money, funds or other property of the institution, shall, when required to do so by the trustees, give a bond for the faithful discharge of such trust, in such penalty and with such security as the board shall approve; and process against such corporation shall be by summons, and service of the same shall be made by leaving an attested copy with the treasurer of said corporation at least twenty days before the return thereof.

Treasurer, etc.,
to give bond.

§ 13. The president and trustees of said college shall hold one stated meeting each year, the last Friday in June, and such other special meetings as they may deem necessary, and at each annual meeting shall elect one of their number president, one secretary, and another treasurer, who shall hold office for one year and until their successors are elected and qualified.

Stated meetings

§ 14. The election of William Schwartz, Silas W. Leonard, Lysias Heap, B. F. Pope, Barnet A. Howard, H. D. Bantau, John Hall, John Ford, John Lindsay, John Goodall, Stephen Blair, Daniel Gilbert and S. R. Hay, as trustees of said college, and their election of president, secretary and treasurer, as well as all other prior actions of said board is and the same is hereby declared to be legal and proper to all intents and purposes, as fully and in every respect as though the act of incorporation had been enacted prior to such election and action, and in accordance with its provisions.

Prior action of
board legalized

§ 15. This act shall be deemed a public act, and shall be in force from and after its passage, and shall be liberally construed in all courts in this state, for the purpose herein expressed.

APPROVED March 8, 1867.

AN ACT to incorporate Southern Illinois Christian University.

In force March
8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That A. W. Mace, O. A. Battson, Z. D. French, William May, Jacob Beaird, L. D. Roderick, William Rictor, Theodore Gharst, A. J. Stuart, Ebsworth Utterback, Arthur Hecker, Jacob May, Lucian P. Sanger, John Melrose, A. G. Basden, and their successors in office, be and are hereby created a body politic and corporate, by the name and style of "Southern Illinois Christian University," and by that name and style to remain and have perpetual succession, with all the powers, rights and privileges conferred on the sev-*

Corporators.

Name and style

Powers conferred.

eral institutions by sections three (3), five (5), six (6) and seven (7), of "An act to incorporate the Mattoon Academy," approved February 21st, 1859; by sections three (3), four (4), five (5) and six (6), of "An act to incorporate the Barrington Academy," approved February 16th, 1865; and by sections six (6), seven (7), nine (9) and ten (10), of "An act to incorporate Lincoln University," approved February 6th, 1865; and the several sections herein named shall constitute and form a part of this act. The several persons herein named are hereby appointed trustees of said corporation, and shall hold their office for one year from and after the date this act takes effect, and until their successors are elected and qualified.

Buildings to be erected and to be used jointly for religious worship.

§ 2. The said corporation shall erect and establish at the town of Claremont, in the county of Richland, a university chapel, to be used jointly for religious worship by all evangelical denominations in or near said town. Said corporation shall also erect, purchase or otherwise obtain in said town suitable buildings, in which shall be opened and conducted a primary or common school department, and an academic or university preparatory department, which departments may, by consent of the trustees of the university, and a vote of the school district in which they are located, at a meeting, legally called for the purpose, be maintained and controlled by the school directors of said district, in accordance with the school law of this state. The other departments of this institution may be located at any point on or south of the Ohio and Mississippi Railroad.

§ 3. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

APPROVED March 8, 1867.

In force May 8, 1867. AN ACT to incorporate Edgar Collegiate Institute, located in Edgar county, Illinois.

Preamble.

WHEREAS, Samuel Newell, Andrew M. Vance, John C. Means, William Blackburn, L. L. Todd and John W. Blackburn have been, and now are associated together as trustees of an educational institution, known by the name of "Edgar Academy," located at Paris, Edgar county, Illinois, and as trustees, are the owners of certain real and personal property, belonging to said academy; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Samuel Newell, Andrew M. Vance, John C. Means, William Blackburn, L. L. Todd and John W. Blackburn, and their successors and assigns, be and they are hereby created a*

Corporators.

body politic and corporate, by the name and style of "The Edgar Collegiate Institute," and by that name shall have perpetual succession, for the purpose of maintaining said institution of learning in or adjacent to the town of Paris.

§ 2. Said corporation, by its board of trustees, shall have power, in their corporate name, to have and use a common seal, to sue and be sued, to acquire, receive and hold, by purchase or otherwise, property, real, personal and mixed, and to use, sell, lease and dispose of said property, the same as a natural person, for the purposes of said corporation, and for the promotion of the objects and interests of said institution of learning, and said trustees shall have power to appoint all such officers, and make such rules, by-laws and regulations for the management of said corporation, as may to them seem necessary.

§ 3. Said corporation shall have a board of trustees, consisting of six persons, who shall hold their offices for the term of six years, and until their successors are elected. The first board of trustees shall consist of the above named corporators, and their successors shall be elected by the Palestine Presbytery of the Presbyterian church, (O. S.) at any regular or called meeting. John W. Blackburn and Andrew M. Vance shall hold offices for two years, and until their successors are elected; Samuel Newell and John C. Means for four years, and until their successors are elected; and William Blackburn and L. L. Todd for the term of six years.

§ 4. All the property, both real and personal, belonging to the trustees of Edgar Academy is hereby vested in the corporation created by this act, and said corporation is hereby authorized to establish, maintain and perpetuate an institution of learning for both male and female, in which all the branches of a classical, literary and scientific education may be taught; also, to grant diplomas and confer degrees, and do all other acts and things usually done by colleges and universities; and the property of said corporation shall be exempt from taxation to the value of twenty-five thousand dollars (\$25,000.)

APPROVED March 8, 1867.

AN ACT to incorporate the DeWitt County Seminary.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Haynie, Richard R. Crang, Thomas K. Edmiston, Ezekiel H. Palmer, Lawrence Weldon, Clifton H. Moore, Henry Crosby, James DeLand, Joseph J. Kelly, George W.

Corporators.

Name and style	<p>Gidcon, Robert Magill, Samuel Magill, Henry Magill, Edward Porter, John B. Hunt, Caswell P. Ford, George W. Phillips, William C. Campbell, J. T. Snell, Emmet Kent, Solomon J. Lewis, Henry S. Green and John P. Mitchell and their associates and successors, and all such persons as shall become stockholders, are hereby created a body politic and corporate, under the name and style of "DeWitt County Seminary," and by that name and style to remain and have perpetual succession. The said seminary shall be and remain within the corporate limits of the town of Clinton, in the county of DeWitt, and state of Illinois. The number of trustees shall be five, one of whom shall be president, and another secretary of the board, to be chosen by the trustees; and under the above name and style shall have power to make contracts, to sue and be sued, to plead and be impleaded, to answer and be answered unto in all courts and places, to grant and receive by its corporate name, and to do all other acts as natural persons may or could do, to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways, to use, employ, manage and dispose of all such property; and all moneys belonging to said corporation in such manner as shall seem to the trustees best adapted to promote the objects of education; to have a common seal, and to change and alter the same at pleasure, to make such by-laws for its regulation as are not inconsistent with the constitution of the United States, and of this state, to confer on such persons as may be considered worthy such honorary degrees as are usually conferred by similar institutions.</p>
Number of trustees.	
Powers of trustees.	
Trustees to prescribe course of studies, etc	<p>§ 2. The trustees of said incorporation shall have authority from time to time, to prescribe and regulate the course of studies to be pursued in said seminary, to fix the rate of tuition and other seminary expenses, as may be necessary in managing the concerns of the institution, to define their duties, to fix their compensation, to displace and remove them, to erect necessary buildings, to purchase books, chemical and philosophical apparatus, and other suitable means of instruction, to make rules for the general regulation of the conduct of the students, and to make and pass such rules and by-laws as they may deem necessary and expedient.</p>
Vacancies—how filled.	<p>§ 3. The trustees in order to have perpetual succession, shall have power to fill all vacancies which may occur in said board from death, resignation, or from any other cause. A majority of the trustees shall constitute a quorum to do business.</p>
Treasurer to be appointed.	<p>§ 4. It shall be the duty of the board of trustees to appoint a treasurer to the board from their own number, or from the stockholders, who shall be required to give bond with sufficient security as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him, and to hold his office for such time as the by-laws may prescribe.</p>

§ 5. The sole object of said institution shall be the promotion of male and female education, and shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become teachers or students of said seminary. All persons, teachers or students, whose habits are idle or vicious, or whose moral character is bad, or who refuse to obey the rules of the institution, may however, be suspended or expelled from said seminary, by the trustees thereof.

Object of institution.

§ 6. The lands, tenements and hereditaments, to be held in perpetuity by virtue of this act, by said corporation, shall not exceed ten acres.

Lands to be held.

§ 7. The stock of said company shall consist of shares of twenty dollars each, and shall be deemed personal property, and shall be transferable by assignment of the certificate on the books of said corporation, in such manner as the board of trustees shall prescribe. The capital stock of said company shall not exceed fifty thousand dollars, and its funds, rents and privileges shall only be used for the purposes of education as herein declared, *Provided*, that two-thirds of the stock by vote of the holders of the same, may at any time, direct the dissolution of said corporation and the selling of its property, in which case the proceeds of such sale shall be equally divided among the stockholders, according to their shares.

Capital stock.

§ 8. All deeds or instruments of writing for the conveyance of real estate to the said corporation, shall be made to the president and trustees of DeWitt county seminary and their successors in office, for the use of said seminary; and all deeds and conveyances of land from said corporation, shall be made by a majority of the trustees, sealed with the seal of the corporation, if they have a public seal, if no public seal is provided, then signed by the president and his private seal, and by him acknowledged in his official capacity.

Deeds, etc., to be made to president and trustees.

§ 9. The time for the election of trustees shall be on the first Monday of October, A. D. 1867, and on the first Monday of October each year thereafter, except the first election which may be holden on any Monday, ten days' previous notice having been given, by a majority of the stockholders of DeWitt county seminary as now organized under a general act of incorporation; and the trustees elected at such time, shall serve until their successors are elected and qualified. It shall be the duty of the secretary at said regular election, to give ten days' notice of such election, for trustees or other officers, by posting up notices in at least three public places in the vicinity of said seminary, giving notice of the time, place and objects to be voted on at said election, and each stockholder shall be entitled to one vote for each share of stock he may own, and the trustees and their successors, or any three of them, shall preside

Time of election for trustees.

as judges of said election, and shall certify the same, which certificate shall be filed in the office of the secretary of the board, and when so filed shall be sufficient evidence in all courts and places in this state, of the election and qualification of said board of trustees. Such election shall be by ballot, and by a majority of members or stockholders present; but a failure at any time to elect trustees on the day herein named, shall not work a forfeiture of this corporation, and in case of such failure, all qualified trustees shall hold their office until their successors are elected and qualified.

Property ex-
empt from tax-
ation.

§ 10. All property of whatever kind and description belonging or appertaining to said seminary shall be and forever remain free and exempt from all taxation for any and all purposes whatever, the amount of property so exempt, not to exceed fifty thousand dollars.

Trustees may
borrow money

§ 11. The board of trustees are hereby vested with full power to borrow money not to exceed ten thousand dollars, for the purposes of purchasing seminary grounds, erecting buildings, and making other necessary improvements, at a rate of interest not exceeding ten per centum per annum, payable in such manner as may be agreed upon, and execute their notes, bonds or obligations therefor; and shall likewise, have full power to purchase or lease sites or grounds, for the erection of buildings for school purposes, upon credit; and execute in their corporate name, contracts, bonds or obligations, for the payment of the same, and may rent buildings for school purposes, and bind themselves for the rent, in the same manner as prescribed above, and all such contracts, bonds or obligations, mentioned in this section, shall be signed by the president and clerk of said board, and registered by the treasurer, and shall be binding upon said trustees, and it shall be the duty of the said board to provide for the payment of the same, and the interest thereon, as it becomes due, and no vote of the stockholders of said seminary shall be necessary to authorize said board to locate a site or sites, to erect, purchase or change a school building or buildings, or repair the same, or for the purpose of keeping open and maintaining schools, for any number of months in the year; or to authorize said board to do any thing authorized or required of it in this act.

Stockholders to
vote.

§ 12. Any person holding one or more shares of said stock, shall be a member of this corporation, and entitled to one vote for each share of stock by him held, on which all installments required by said trustees, shall have been paid. Each stockholder sending pupils to said institution, shall be allowed a deduction of ten per cent., annually, from the established prices of tuition, to be deducted *pro rata*, from the tuition of each term. Said stockholders shall be also, entitled to such dividends on their stock, as the trustees may from time to time declare thereon.

§ 13. The corporation heretofore organized as the De Witt county seminary, under the general law incorporating academics and seminaries, passed March 3, 1845, and its amendments, is by consent of the officers and stockholders of said DeWitt county seminary, merged in the corporation created by this act, and all property, personal, mixed and real, moneys, claims and rights of action, and stock subscribed to said DeWitt county seminary, organized as aforesaid, shall become the property, personal, mixed and real, moneys, claims and rights of action, choses in action and stock subscribed of the corporation organized by this act, so soon as the president and trustees of said corporation organized as aforesaid, shall file in the Recorder's office of DeWitt county, Illinois, a written transfer of said property, personal, mixed and real, money, claims and rights of action, choses in action and stock subscribed to the corporation organized by this act; which transfer shall vest in the new corporation said property above described, to the same extent that the same was vested in the old corporation.

Old institution merged in the new one.

§ 14. This act to be in force and take effect from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the Boone County Agricultural Society.

In force January 30, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Luther W. Lawrence, Edward E. Moss, Asher E. Jenner, George W. Downs, J. H. Fitch, Ezra May, Charles Wyman, S. A. Ellsworth, George Reed, H. E. Fox, George Sands and J. S. Blodgett, and such persons as are or may hereafter become members of the Boone County Agricultural Society, from and after the passage of this act, shall be and are hereby constituted a body corporate and politic, by the name and style aforesaid; and by that name they and their successors shall have succession, and shall in law be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, prosecuting and defending, in all manner of actions, in law or in equity; and by that name and style be capable in law of purchasing or receiving, by gift or otherwise, holding and conveying, real and personal estate, for the benefit of the said corporation; may have a common seal, and alter the same at their pleasure; may make such constitutions, regulations and by-laws as may be requisite for its government and for carrying out the objects of said corporation.

Corporators.

Name and style

Powers.

Objects.	§ 2. The objects of said society shall be to advance the interests and encourage the improvement of agriculture and mechanics.
Constitution and by-laws.	§ 3. The constitution and by-laws of the society or association now known as the "Boone County Agricultural Society," now in force, shall govern the corporation hereby created until regularly altered or repealed by the society;
Officers.	and the present officers of the said society or association shall be the officers of the corporation hereby created until their respective terms of office shall expire or be vacated;
Acts valid.	and all the acts and proceedings of said society or association, done or had, are and the same are hereby declared valid;
Vested property.	and all purchases made by said society or association, or conveyances, are hereby confirmed; and all property, real and personal, now owned by said society or association, is hereby declared vested in the corporation hereby created.
Legal titles.	§ 4. The legal title to all real and personal property now owned by or which may hereafter belong to said society or association shall be vested in the board of directors of said society and their successors;
Conveyances.	and all conveyances of real estate, now or hereafter owned by said society, shall be signed by the president and secretary and sealed with the corporate seal of said society: <i>Provided, however,</i> that no sale shall be made or conveyance executed by said president and secretary without an order first made for such sale and conveyance by the board of directors of said society.
Proviso.	
Powers and privileges.	§ 5. Said society shall have, possess and exercise all the powers, rights, privileges, immunities and franchises, now or any time possessed or which may hereafter be enjoyed or possessed by any other society organized or which may hereafter be organized for similar purposes, under any general or special laws of this state.
	§ 6. This act shall take effect and be in force from and after its passage.

APPROVED January 30, 1867.

In force Feb. 18.
1867.

AN ACT to incorporate the Alton Horticultural Society.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John M. Pearson, David E. Brown, Henry G. McPike, James E. Starr and B. F. Long, officers, and their associates, members of "The Alton Horticultural Society," be and are hereby declared to be a body politic and corporate, under that name and style.
Object.	§ 2. The object of the society being to advance the theory and practice of horticulture, they shall be allowed,

for these purposes only, to acquire and hold real and personal estate to the amount of fifty thousand dollars.

§ 3. This society shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all the courts of law and equity of this state; and shall further enjoy all the privileges incident to corporations of said character, and not inconsistent with the laws of this state. Powers.

§ 4. It shall and may be lawful for said corporation to have and use a common seal, and the same, at their pleasure, to change, alter and make anew; and, in general, have and exercise all such rights, privileges and immunities as by law are incident to or necessary to the society herein constituted. Common seal.

§ 5. The society shall have power to alter or amend their present constitution, to make, alter or repeal such by-laws as may be deemed necessary for carrying out the objects of the society. Constitution may be altered.

§ 6. This act shall be in force from and after its passage.
APPROVED February 18, 1867.

AN ACT to amend an act entitled "An act to incorporate and legalize the incorporation of the Macon County Agricultural Society," approved February 15, 1865. In force Feb. 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the fourth section of the act to which this act is an amendment be amended by adding the following, viz: "And that said society shall have power to prohibit the carrying of passengers and persons, as well as merchandise and provisions, implements or other articles, to and from the grounds of said society, without a license from it for such purpose, under a penalty of not more than ten dollars for each offense, to be recovered by action of debt, before any justice of the peace of said county of Macon." Powers, etc.
Amount of penalty.

§ 2. This act to take effect from and after its passage.
APPROVED February 21, 1867.

AN ACT to amend an act entitled "An act to incorporate the McLean County Agricultural Society," approved February 12, 1853. In force Feb. 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a meet-

Time of meeting of corporators.	ing of the members of this corporation shall be held on the second day of each annual fair, at one o'clock p. m., for the purpose of electing a president, two vice presidents, a secretary, and a treasurer, who shall, respectively, hold their offices for one year, from and after the first Monday of November following, until their successors are elected; and the said officers, so elected, shall be a standing board of directors, with full power and authority to do all acts and deeds necessary to promote the interest of the association, and to carry into effect the provisions and objects of this act.
Election of officers, etc.	
Powers, etc.	
Duties of President.	§ 2. The president shall have power to appoint an advisory committee, of not less than four or more than seven, who shall have such powers and perform such duties as shall be designated by the by-laws of said society.
Contrary acts repealed.	§ 3. All acts and amendments contrary to above are hereby repealed.
	This act to take effect from and after its passage.
	APPROVED February 21, 1867.

In force Feb. 22, 1867. AN ACT to incorporate the Adams County Agricultural and Horticultural Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James H. Singleton, A. J. F. Prevost, J. H. Miller, J. J. S. Wilson, S. B. Turner, J. H. Stewart, Clark Chatten, K. K. Jones, Benjamin Burrows, John Aton, Maitland Boon, Frederic Boyd, E. G. Baldwin, Emerson M. Miller, Henry Root, S. B. Chittenden, P. G. Corkins, F. W. Jansen, A. E. Bowles, R. H. Hurlbut, E. A. Dudley, Perry Alexander, Maurice Kelley, Edgar R. Morris, William Smith, A. I. Griffith, Eli Selborn, Samuel M. Sturgiss, James H. Hendrickson and Thomas Redmond, and their associates and successors, are hereby constituted a body corporate and politic, by the name and style of "The Adams County Agricultural and Horticultural Association," and by that name and style shall have perpetual succession, with power to contract and be contracted with, receive donations of money and property of any kind, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever; and shall in like manner have authority to have and use a common seal, and to alter the same at pleasure, and to make, ordain, establish and put in execution such by-laws, ordinances, rules, regulations and constitution as shall be proper and necessary to the government of said association and the management of its affairs. Said corporation, by its name and style as aforesaid, shall

have power to purchase and hold any quantity of land, not exceeding eighty acres, outside of the corporate limits of the city of Quincy, and may mortgage, sell, lease, rent or dispose of the same, at pleasure. And said corporation shall have power to make, own, erect and use such inclosures and improvements on such land as shall be calculated and suitable for furthering the objects and interests of said corporation, and may enjoy said real estate, free from taxation, including improvements, as long as the same shall be held and used for the purposes of this association.

§ 2. The capital stock of said company shall be any amount not exceeding one hundred thousand dollars, to be divided into shares of fifty dollars each. Each share shall entitle the holder to one vote, which may be cast in person or by proxy.

§ 3. The said company shall be managed by a board of directors, one of whom shall be president, to be elected by the board, which board shall consist of thirteen members, to be elected by the stockholders at such time or times as may be determined by the by-laws of said company. The corporators named in the first section of this act, shall be the first board of directors, and shall hold their offices until their successors are elected and qualified. The directors shall have the power to employ all such officers, agents and laborers as they may deem necessary to carry on their business. A majority of the directors shall constitute a quorum.

§ 4. Books for subscription for stock shall be opened at such times and places within the county of Adams, and state of Illinois, as the corporators or board of directors may prescribe. In case of the non-payment of the stock, or any part of the same, the corporation shall have the power to forfeit said shares which may not be paid up, and sue for delinquent payments. The objects of said corporation are to give encouragement to and promote the best interests of agriculture, horticulture and manufactures.

§ 5. Said association shall have the power to pass all necessary rules and regulations, as well as by-laws, for the suppression of riotous or other disorderly conduct, and for the regulation of the general police of their fairs, and those held on the grounds of said corporation, and all fines and forfeitures that shall be declared by any rule, regulation or by-law of said corporation, as consequent upon a violation thereof, may be enforced by any justice of the peace of said county, by action of debt, in a summary manner, upon complaint of the president, director or any officer of said corporation, said justice hereby having power to bring to trial forthwith such offender or offenders; and for the purpose of securing good conduct and order as well as behavior, during the holding of any fair of said corporation, or at any other time, when said grounds may be used for public pur-

Powers and privileges.

Capital stock.

Organization.

Books for subscription to be opened.

Non-payment and forfeitures

Objects.

Rules, by-laws etc.

Trial of offenders.

poses, the president or any of the directors or agents, in addition to such fine as may be provided for such offense, may expel the offender or offenders from the grounds of said corporation.

Police.

§ 6. The president and directors shall have power to appoint a police force, who shall be authorized and empowered to arrest any and all persons violating any of the provisions of said corporation, for the securing of good order, and take them before any justice of the peace in said county, who shall hear and determine the case, and if found guilty shall be subject to the penalties imposed by the by-laws of said corporation.

Contract for extension.

§ 7. Said company shall have the power of contracting with any railroad company whose line of road runs into the city of Quincy, and also with the Quincy horse railway and carrying company, to extend the track of their roads to or near the grounds of said company; and said companies are hereby, by this act, authorized to build their track, tracks or switches of their respective roads up to or near the grounds of said company, and to condemn and appropriate such grounds, not exceeding one hundred feet in width, for said switches or tracks, as is provided for by the various laws of the state relating to condemning property and securing the right of way for said road purposes.

Condemnation of property.

Prohibition of liquors.

§ 8. No spirituous, vinous or malt liquors shall be sold, trafficked or disposed of, to be used upon the grounds of said corporation or within one mile thereof, unless it be within the limits of the city of Quincy, nor shall any show, exhibition of man or beast, or other thing or things, for money, be held or made upon said grounds or within one mile thereof, unless the same be within the limits of the city of Quincy, without first obtaining the license and authority of the president and directors of the said association, or such person as they appoint for that purpose.

Exhibitions.

§ 9. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 22, 1867.

In force Feb. 23,
1867.

AN ACT to incorporate the Villa Ridge Horticultural Society.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* O. Edson, James H. Crain, A. M. Brown, Joseph Lufkin, Lewis F. Crain, M. Harnish, A. Cummins, Willis Edson and W. H. Ludwick, their associates and successors, members of the Villa Ridge Horticultural Society, of Pulaski county, be and are hereby declared a body politic and corporate, under and

AGRICULTURAL SOCIETIES, ETC.

by the name and style of "The Villa Ridge Horticultural Society." Name and style.

§ 2. The object of said society being to promote the science of pomology and the art of horticulture, they shall be allowed, for that purpose, to take and hold real and personal estate to the amount of ten thousand dollars (\$10,000). Objects.

§ 3. This society shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded with, in all the courts of law and equity in this state, and shall further enjoy all the privileges incident to incorporations of said character, not inconsistent with the laws of this state. Rights, etc.

§ 4. It shall and may be lawful for said corporation to have and use a common seal, and the same to change at their pleasure, and, in general, to have and exercise all such rights, privileges and immunities as by law are incident or necessary to the society hereby constituted. Seal and privileges.

§ 5. The said society shall have power to alter or annul their present constitution, and make, alter or repeal such laws as may be deemed necessary for carrying out the objects of the society. Constitution and by-laws.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

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AN ACT to increase the powers of the JoDaviess County Agricultural Society. In force Feb'y 25, 1867.

WHEREAS, the JoDaviess County Agricultural Society, organized on the seventeenth day of February, A. D. 1866, at Galena, in said county, under the general incorporation act, passed February 15, 1855; now, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the rights, privileges and powers acquired by the said society, under and by the said general incorporation act, are hereby confirmed and ratified, and, in addition to all such rights, privileges and powers, the said society are hereby given the following rights, powers and privileges, in addition to those conferred on them by said general incorporation act of 1855, and their organization thereunder. Confirmation of rights and privileges.

§ 2. The capital stock of the said JoDaviess County Agricultural Society may be increased to an amount not to exceed twenty-five thousand dollars (\$25,000). Capital stock.

§ 3. The said society is hereby granted the privilege, and authorized to borrow any sum or sums of money, not exceeding fifteen thousand dollars, (\$15,000), and execute and give the obligations or bonds of said society therefor. Indebtedness.

Penalties for
damage of
property.

§ 4. If any person or persons shall willfully, maliciously or wantonly turn in any kind of stock in the inclosure of said society, or negligently open any gate or tear down any fence, or destroy or injure anything, or do any act by which said society or their property may be damaged or destroyed, he or they, or any person assisting, shall forfeit and pay to said society tripple the amount of damages that shall be proved before any court having jurisdiction of the amount claimed, which may be sued for in the name of the society.

Government
and officers.

§ 5. The said society shall have power to appoint a suitable number of special marshals, whose duty it shall be to preserve order during the exhibitions of the society; which marshals, when appointed, are hereby empowered and required to arrest and expel from the grounds or bring before some justice of the peace of said county all persons who shall violate the laws of this state or the rules of said society, or disturb the same by violent or disorderly conduct; and any justice of the peace of said county, before whom any such offender may be brought, is hereby required and authorized to try the same, and, upon conviction, to inflict the same penalties as are now provided by law

§ 6. This act to be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb. 25, 1867. AN ACT to amend an act entitled "An act to incorporate the Morgan County Agricultural and Mechanical Association.

Grounds ex-
empt from
taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the grounds now owned by the Morgan County Agricultural and Mechanical Association, (containing near forty acres,) outside the city limits of the town of Jacksonville, shall be exempt from state and county taxes, so long as they are used for the purposes designated in this charter.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the Illinois Fruit Company.

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Quick, D. W. Munn and C. H. Machin, their associates and successors are hereby made a body corporate and politic, by the name and style of "The Illinois Fruit Company," and as such corporation shall have perpetual succession; may sue and be sued, contract and be contracted with, have a common seal, make contracts, and make by-laws for the government of their officers and affairs; and have and enjoy all the rights and privileges, and be subject to all the liabilities of a body corporate and politic; and the principal office of said company shall be located at Chicago, Illinois. Corporators.

§ 2. The said company are hereby authorized to purchase, hold and occupy so much real estate as they may deem necessary for their business; and may cultivate and improve the same, and plant orchards and raise fruits of all kinds; and may construct, purchase and occupy buildings in and about a general fruit business. They may put up fruits and vegetables in cans or otherwise, and establish depots for the sale of their property, and may sell fruit or vegetables for others on commission; they may manufacture wine and any article for table use, from fruits or vegetables. Company may own real estate.

§ 3. The capital stock of said company shall be fifty thousand dollars; but the same may be increased at any time by vote of the stockholders to one hundred thousand dollars. The capital stock shall be subscribed and paid in such manner as shall be determined by said company, and shall be divided into shares of one hundred dollars each, to be deemed personal property, and transferable as such on the books of the company. There shall be elected, annually, five directors, from the stockholders, who shall have the general management of the business and affairs of the company; and the directors may elect other officers and appoint agents and employees, and prescribe their duties. The directors may, after the organization of said company, declare any share of stock forfeited on which there shall remain due and unpaid any installment for the period of sixty days after the same shall have been called in or demanded by the directors. Capital stock

§ 4. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March
8, 1867.

AN ACT to incorporate "The Northwestern Fertilizing Company."

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Christian Wahl and Louis Wahl, and John A. Lighthall, their successors, associates and assigns, be and they are hereby constituted a body politic and corporate, to have continued succession and existence for the term of fifty years, and to be known as "The Northwestern Fertilizing Company," and by that name and style may contract and be contracted with, sue and be sued, as a natural person may; they may have and use a common seal; they shall have power, in their corporate name, for the use of said corporation, to purchase and hold sufficient real estate for the free enjoyment of all privileges herein granted, and to make all proper by-laws and rules for the government of said corporation.

Capital stock.

§ 2. The capital stock of said company shall be fifty thousand dollars, with power to increase the same to any sum not exceeding two hundred and fifty thousand dollars.

Organization.

§ 3. The above named persons, or a majority of them, may meet at any time after the passage of this act and organize said company, on the stock therefor being subscribed for to the amount of fifty thousand dollars; and they may issue certificates, and then hold an election for such officers as may be created by the by-laws which may be hereafter enacted for the government of said company; which officers shall hold their offices for the length of time fixed by the said by-laws to be enacted hereafter by the said company. Said by-laws may be changed, from time to time, as may be provided by said corporation, acting through its managers.

Powers.

§ 4. Said corporation is hereby authorized and empowered to establish and maintain chemical and other works at the place designated herein, for the purpose of manufacturing and converting dead animals and other animal matter into an agricultural fertilizer, and into other chemical products, by means of chemical, mechanical and other processes.

Works to be established in Cook county.

§ 5. Said chemical works shall be established in Cook county, Illinois, at any point south of the dividing line between townships thirty-seven and thirty-eight. Said corporation may establish and maintain depots in the city of Chicago, in said county, for the purpose of receiving and carrying off from and out of the said city, any and all offal, dead animals, and other animal matter, which they may buy or own, or which may be delivered to them by the city authorities and other persons.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the Chicago Artesian Well Company.

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, in General Assembly represented,* That Abraham F. Croskey, George A. Shufeldt, jr., Henry H. Brown, P. W. Gates, Henry Greenbaum, Daniel W. Page, Carlisle Mason, Amasa F. Dwight, and William Phillips, and John C. W. Bailey, and their associates and successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Chicago Artesian Well Company;" and shall have perpetual succession, and by that name they are hereby made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and hereby are vested with all powers, privileges and immunities which are or may be necessary to carry into effect the powers and objects of this act, as hereinafter set forth; and the said corporation is hereby authorized and empowered to make, bore or construct artesian wells, for water, oil or other substances, or to purchase such wells already constructed; to use such water for purposes of power and supply and for mechanical and chemical purposes, for making ice and other substances, and housing, storing and selling the same; applying said water to the manufacture of paper, washing wool, tanning skins, and any and all objects for which the same may be made available and useful. And the said corporation, hereby created, is also authorized and empowered to carry on and conduct any mechanical or chemical business for which such water, oil or other substances may be adapted; and to have and hold real, personal and mixed property, for the purposes of their business; also all necessary buildings, tools, implements and machinery; and they may convey or incumber such property, in any manner in which they may deem expedient, and may purchase any property with the stock of the corporation; and the said corporation may purchase and sell or lease or rent real and personal estate, erect and repair buildings, as shall be deemed necessary to carry on the business of said corporation, and to make their property serviceable and valuable.

Corporators.

Name and style.

Corporate powers.

Business and operations.

§ 2. The capital stock of the said corporation shall consist of one million dollars, and may be increased, from time to time, by the board of directors of said company as deemed necessary; which capital stock shall be divided into shares of one hundred dollars each.

Capital stock.

§ 3. The government and direction of the said corporation shall be vested in a board of directors, to be chosen annually by the stockholders. The first seven above mentioned corporators shall constitute the first board of direc-

Directors.

Term of office.	tors, and shall hold their office until others shall be duly elected as their successors and enter upon the duties of their office, in accordance with the provision of the by-laws of said corporation. A majority of the board of directors shall constitute a quorum to transact business.
Quorum.	
President.	§ 4. The board of directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as the by-laws may require.
Vote of stockholders.	§ 5. At all meetings of the stockholders each stockholder shall be entitled to cast one vote for each share of stock holden, subject to such general regulations as the by-laws shall provide; and no person shall be eligible to be elected to the office of director who does not own and hold at least ten shares of stock, on which has been paid at least ten per cent.; and there shall never be more than forty members in the directory, the number to be regulated by the by-laws; and should it at any time happen that a board of directors shall not be elected at the time fixed by the by-laws said corporation shall not for that cause be dissolved, but the old board of directors shall hold their office until their successors are elected and enter upon the duties of their office; and should the president or any of the directors die, resign or be removed from office, refuse to act, or in any way become incompetent to act, the board of directors may fill any such vacancy, so occasioned, until the next regular meeting of the stockholders for the election of officers of the corporation, and may, in the absence of the president and vice presidents, appoint a president <i>pro tem</i> .
Qualified directors.	
Number of.	
Failure to elect.	
Vacancies.	
Stock subscription.	§ 6. The board of directors may, from time to time, open and close the books of the corporation for subscriptions to the capital stock, under such general restrictions and conditions as shall be provided in the by-laws and subscription lists of the corporation; and it shall be lawful for the board of directors to require payments of the sums subscribed to the capital stock at such times and in such proportion and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon—notice for such calls for payments to be in accordance with the conditions of the subscription list and the by-laws of the corporation.
Payment of.	
Notice of calls for.	
Loans.	§ 7. And for the better promoting the business of the corporation the board of directors, by the president or other agents duly empowered, may negotiate a loan or loans of money or credit, to the amount of their capital stock, and may pledge the credit and property, real, personal and mixed estate, and all its rights, credits and franchises for the payment thereof, and may execute promissory notes, bonds, mortgages, deeds of trust, and any and all forms of vouchers, at any time deemed necessary, and may prepare a sinking fund or other means for the payment of the same, and do all other necessary and proper acts to promote the
Sinking fund.	

general interests of the corporation. And said board of directors may, from time to time, adopt and amend all necessary by-laws for the regulation of the business of the corporation, not in conflict with this act and the laws of the land, and rescind them at pleasure. By-laws.

§ 8. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes hereinbefore specified or intended, and be in force from and after its passage. Construction of act.

APPROVED March 7, 1867.

AN ACT to incorporate the Artesian Water Supply Company.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, in General Assembly represented,* That Abraham F. Crosky, George A. Shufeldt, jr., Henry H. Brown, Henry Greenbaum, John C. W. Bailey, Charles H. Waterman, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Artesian Water Supply Company;" and shall have succession, a common seal, power to sue and be sued, plead and be impleaded in any court in this State or elsewhere; to appoint all necessary officers, servants, and assistants, and may have and enjoy and exercise all the powers necessary to carry out and execute the business, purposes and interests of furnishing water from artesian wells, for power, for domestic uses, and for all purposes for which such water is adapted or can be used; and to have and hold real, personal and mixed property, for the purposes of their business, also all necessary buildings, tools, implements and machinery, and they may convey or incumber such property in any manner in which they may deem expedient; and may purchase any property with the stock of the corporation; and the said corporation may purchase and sell, or lease or rent, real and personal estate, erect and repair buildings, as shall be deemed necessary to carry on the business of said corporation, and to make their property serviceable and valuable. Corporators

§ 2. Said corporation is hereby authorized, on obtaining the consent of any town in this State, to be indicated through its supervisors or the commissioners of highways, or of any city, on obtaining such consent through its common council, to lay down, in or under the streets and public highways thereof, pipes for the conveyance and supply of water, for the uses and purposes above mentioned; and such pipes, when laid, shall be the property of and under the sole control and management of this corporation, and Name and style
Corporate powers.
Business powers and privileges.

shall not be interfered with by any person or body whatsoever.

Capital stock. § 3. The capital stock of this corporation shall be one million of dollars, with authority in the board of directors to increase it to three millions, whenever it may be deemed expedient, and it shall be divided into shares of one hundred dollars each.

Board of directors. § 4. The government and direction of the said corporation shall be vested in a board of directors, to be chosen annually by the stockholders. The first five above-mentioned corporators shall constitute the first board of directors, and shall hold their office until others shall be duly elected as their successors and enter upon the duties of their office, in accordance with the provisions of the by-laws of said corporation. A majority of the board of directors shall constitute a quorum to transact business.

President. § 5. The board of directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as the by-laws may require.

Vote of stockholders. § 6. At all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share of stock holden, subject to such general regulations as the by-laws shall provide; and no person shall be eligible to be elected

Eligibility of directors. to the office of director who does not own and hold at least ten shares of stock, on which has been paid at least ten per cent.; and there shall never be more than ten members in the directory, the number to be regulated by the by-laws; and should it at any time happen that a board of directors shall not be elected at the time fixed by the by-laws, said corporation shall not for that cause be dissolved, but the old board of directors shall hold their office until their successors are elected and enter upon the duties of their office; and should the president or any of the directors die, or be removed from office, refuse to act, or in any way become incompetent to act, the board of directors may fill any such vacancy, so occasioned, until the next regular meeting of the stockholders for the election of officers of the corporation, and may, in the absence of the president and vice-president *pro tem*.

Stock subscription. § 7. The board of directors may, from time to time, open and close the books of the corporation for subscriptions to the capital stock, under such general restrictions and conditions as shall be provided in the by-laws and subscription lists of the corporation; and it shall be lawful for the board of directors to require payments of the sums subscribed to the capital stock, at such time and in such proportion and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon. Notice for such calls for payments to be in accordance with the conditions of the subscription list and the by-laws of the corporation.

Payment of.

§ 8. And, for the better promoting the business of the corporation, the board of directors, by the president or other agents duly empowered, may negotiate a loan or loans of money or credit to the amount of their capital stock, and may pledge the credit and property, real, personal and mixed estate, and all its rights, credits and franchises for the payment thereof, and may execute promissory notes, bonds, mortgages, deeds of trust, and any and all forms of vouchers, at any time deemed necessary; and may prepare a sinking fund or other means for the payment of the same; and do all other necessary and proper acts to promote the general interest of the corporation. And said board of directors may, from time to time, adopt and amend all necessary by-laws, for the regulation of the business of the corporation, not in conflict with this act and the laws of the land, and rescind them at pleasure.

Indebtedness.

§ 9. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes hereinbefore specified or intended, and be in force from and after its passage.

Construction of act.

APPROVED March 7, 1867.

AN ACT to vacate certain avenues traversing the south-east quarter of section twenty-four (24) in township one (1) south of range nine (9) west of the fourth principal meridian, in Adams County, Illinois.

In force February 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the avenues traversing the south-east quarter of section twenty-four (24) in township one (1) south of the base line, range nine (9) west of the fourth principal meridian in Adams county, State of Illinois, according to the plat and survey thereof, made in the name of C. A. Savage, dated September 1st, A. D. 1855, and duly recorded in record of plats of said county, on page eleven, December 7th, 1855, be, and the same are hereby vacated.

Avenues vacated.

§ 2. This act shall be in force from and after its passage.
APPROVED February 28, 1867.

In force Feb.
21, 1867.

AN ACT to incorporate the Bond County Trust and Loan Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That William S. Smith, J. B. Hunter, J. D. Lansing and W. S. Smith, jr., and their associates and successors be and hereby are incorporated under the name and style of "The Bond County Trust and Loan Company," and shall have succession, a common seal, with the power to plead and be impleaded, to appoint all necessary servants and assistants; and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a loan and trust company; and shall be capable in law of taking, purchasing and holding, leasing, selling and conveying all real estate, personal property or mixed property, so far as the same may be necessary to the full enjoyment of all the rights and privileges granted by this charter.
Name.	
Powers, etc.	
Amount of capital stock.	§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of the said company in such manner as its by-laws may prescribe; it shall have the power of borrowing money on its own notes, or otherwise, not exceeding the amount of its capital stock.
Indebtedness.	
Time of organization.	§ 3. When twenty-five thousand dollars of its capital stock shall have been duly subscribed, and five thousand dollars actually paid in, the stockholders may organize and proceed to business under this charter.
Directors.	§ 4. The government of the company shall be vested in such number of directors as its stockholders, by their by-laws, may determine, to consist of at least three of their number; said directors to be chosen annually by the stockholders, as may be required by the by-laws of said company, and such board shall choose one of its number their president, and such other officers as may be deemed necessary.
Officers.	
By-laws, regulations, etc.	§ 5. The stockholders of said company shall and may, from time to time, establish such by-laws, rules and regulations for conducting the business of said company as they may deem necessary and proper.
May loan money.	§ 6. Said company may loan on all goods and chattels and property offered embraced within its rules and regulations, provided such loan shall not exceed two-thirds of the value of such goods, chattels and property, so offered as aforesaid.
Rates of interest.	§ 7. The charge for interest on all loans shall not exceed ten per centum per annum.
Time of loans.	§ 8. All loans shall be for a fixed period of time, not exceeding one year, and the borrower shall have a right to redeem his property, pledged at any time during the specified period, on payment of the loan and compensation

agreed upon, together with all charges for storage, insurance, or otherwise.

§ 9. If the property pledged be not redeemed within the specified time, the same shall be sold at public auction, by giving ten days' notice, and the net surplus (after paying amount of loan, compensation, charges for storage, insurance, etc.,) shall be held ninety days for the owner, and if not then called for, the same shall go into a fund for the year, called the "profit and loss fund," from which fund all losses from failure of title or other cause shall be satisfied.

Redemption of property.

Profit and loss fund.

§ 10. The company shall give to each borrower a card, subscribed with the name of the company, a description of the article or articles pledged, the name of the borrower, the amount of the loan, the rate of compensation, the charge for storage, commission and insurance, the date when made, and the page of the book where recorded.

Articles pledged

§ 11. The company shall insure all property pledged to two-thirds of the appraised value thereof, and in the event of loss or damage by fire, shall be responsible to that extent and no more, to the owner or owners of said property.

Value of property pledged.

§ 12. No stockholder shall be held liable for the debts or other liabilities of the company beyond the amount of stock for which he may have subscribed.

Stockholders not liable for debts.

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to incorporate the Henderson Loan and Real Estate Association. In force Feb. 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That George H. Halliday, Thaddeus L. Loomis, John A. Chesnut, William A. Robertson, John M. Woodson, John T. Henderson and C. H. C. Anderson, their associates, heirs and assigns, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Henderson Loan and and Real Estate Association," and shall have a common seal, power to plead and be impleaded, to have and exercise powers incident to corporate bodies, to appoint all necessary officers, servants and assistants, and be located in the city of Carlinville, in Macoupin county, Illinois.*

Name and style.

§ 2. A majority of the corporators herein named, may proceed to open books for subscription, to the stock of said company, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said

Subscriptions.

company, by parties subscribing to the stock thereof, and each share of stock so subscribed for, shall be entitled to one vote.

Capital stock.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be formed by said company, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and shall be transferable on the books of said company in such a manner as the by-laws of said company may provide.

Indebtedness.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now, or hereafter allowed by law to private individuals, and to discount loans, and in computation of time thirty days shall be a month, and twelve months a year; and to make such loan payable either within or without this state; and to take such securities therefor, real or personal or both as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper, and other securities; may open and establish a real estate agency; may purchase and sell real estate; and shall have the power to convey the same in any mode prescribed by the by-laws of such corporation; may accept and execute all such trusts whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois, or of the United States or elsewhere; may make such special regulations in reference to trust funds or deposits, left for accumulation or safe keeping, as shall be agreed upon with the depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said company, in any way the directors may prescribe.

Privileges of married women and minors.

§ 5. Married women and minors may, in their own name subscribe for stock and deposit money with said corporation, and receive certificates of stock and of deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Possession of property.

§ 6. It may be lawful for the company hereby incorporated, to purchase and hold such real estate as may be convenient and useful in the transaction of its business not only, but to take and hold any real estate in trust or other-

wise, as security for, or in payment of loans or debts due or to become due to said company; to bid for and purchase real estate at any sale, whether made in virtue or on account of any loan or mortgage or trust, made to or held by or for said company, or in which it is interested or otherwise; and to receive and take in satisfaction of any loan or debt, any real or personal estate, and to hold, use, improve, lease and convey the same.

§ 7. The affairs of the company shall be managed by a board of directors, at least three in number. After the first election as herein provided, the directors shall be elected by the stockholders, at such time and place, and in such manner as shall be established by the by-laws of said company. The directors of said company shall be elected annually, but any failure or omission to elect directors shall in no wise impair or affect the rights and powers of directors holding over, or the rights or interests of the stockholders, depositors or others interested. Directors.

§ 8. The directors shall have the right to form by-laws for the appointment of other officers, agents and others necessary for the company's service, and for regulating their own proceedings and the company's operations however not inconsistent with the constitution of the United States or of this state. By-laws.

§ 9. The directors shall also have the right in case any stockholder shall fail to pay any installment for thirty days after a call therefor to declare the stock of such stockholders so in arrears, forfeited to the company, together with the sums already paid thereon, or at their option, sue for and recover the entire amount of subscription remaining unpaid; and shall have the right to declare dividends out of the earnings of said company. Forfeitures.

§ 10. The stockholders herein shall be responsible in their individual property in double the amount of their stocks, to make good all losses to depositors; and no assignment of their stock shall release them from said liability, until after the fact of such assignment and the name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper, printed in the county of Macoupin, for the period of three months. Dividends.

§ 11. Until the sum of five thousand dollars shall have actually been paid in on subscription to the capital stock, the company shall not commence, and this act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust and deposit companies. Responsibility of stockholders.

§ 12. This act shall be a public act, and be in force from and after its passage. Organization.

APPROVED February 28, 1867.

In force February 28, 1867. * AN ACT to incorporate the Dollar Savings Association of Cairo.

Name and style.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John W. Trover, Fredoline Bross, Charles Galigher, Patrick H. Pope, Joseph B. Cleaver, Henry Watson Webb, Daniel W. Munn, and Charles R. Woodward, and their associates, successors and assigns are hereby created a body corporate and politic under the name and style of "The Dollar Savings Association of Cairo," with perpetual succession, and by that name and style be and they are hereby made capable in law or equity, to sue and be sued, plead and be impleaded, defend and be defended in any court of law and equity in this state; to make and use a common seal, may renew or alter the same at pleasure, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as are hereinafter set forth, and said association may take and receive goods, wares, merchandize, personal property and effects of every kind and description, in pledge for the repayment and security of money loaned or advanced on any such property; may, make and enforce by-laws and rules for the government of the officers and agents of said association; may make and enter into agreements for the lending and advancing of money on a pledge or pledges of personal property and effects; may provide rules and regulations for the forfeiture and sale of property and effects pledged to said association; may purchase, take and hold real estate and sell and dispose of the same, and may take security on real estate in form of mortgage or deed of trust to secure the payment of any debt or money due said association; may receive deposits of money or valuables on such terms as may be agreed upon with the parties making the deposit, and may take and receive deposits of money or valuables for married women in their own proper names and for the sole and separate benefit of such married women, their heirs or assigns.</p>
Powers. .	<p>§ 2. The capital stock of said association shall not be less than fifty thousand dollars, with authority in the board of directors by a majority vote, to increase it to any sum not exceeding five hundred thousand dollars. The capital stock shall be divided into shares of one hundred dollars each, which stock shall be transferable on the books of said association in such manner as the directors may by by-laws provide.</p>
Location of principal office.	<p>§ 3. The principal or chief office for the transaction of the business of said association shall be in the city of Cairo, Alexander county, and its business affairs and property shall be managed and conducted by a board of five directors chosen annually by the stockholders who may vote at</p>
Business and affairs.	

any election for directors in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock held by him at the time of such election, and a majority of all the votes shall constitute a choice. No person shall be eligible for a director who is not the holder in his own right of at least ten shares of the stock of said association at the time of election, and no transfer of stock of said association shall be made on its books within forty days next preceding any election for directors.

Directors.

§ 4. The corporators named in the first section of this act, or a majority of them, may cause books to be opened in the city of Cairo, county of Alexander, for the subscription of stock in said association, after giving thirty days' notice of the time and place of opening of such books, in at least one of the public newspapers published in said city. Every person at the time of subscribing for such stock shall pay to the corporators opening such books of subscription, ten dollars on each share subscribed, and the remainder shall be paid in such payments and at such times as the board of directors by resolution or by-laws may order or direct. The money paid to the corporators who shall open books of subscription as aforesaid shall be accounted for and paid over to the directors as soon as the board is duly organized. As soon as two hundred shares of stock shall be subscribed it shall be lawful for the subscribers to the stock to organize and elect the first board of directors in conformity with the provisions of this act and the first board of directors shall hold their offices until the first Monday in January next succeeding such first election, and every subsequent election for directors shall be held on the first Monday in every year, provided that if for any cause an annual election shall fail to be held on the first Monday in January in any year, the board of directors may order an election at a subsequent day. *And provided, further,* that the directors elected at any election shall hold their offices and be authorized to act as directors until their successors are elected and qualified.

Stock subscription.

§ 5. The directors shall ordain and establish the conditions and terms on which said association will receive personal property and effects in pledge, and make loans or advances of money thereon, and at the time of receiving any property or effects in pledge under the provisions of this act, it shall be the duty of the directors to cause to be delivered to the person or persons or corporation making such pledges a written or printed statement of the terms and conditions on which such pledge is made and received, and when and how such property may be redeemed, and the penalty in case the property is not redeemed within the time specified, which statement shall be signed by the president or cashier of said association and its seal affixed thereto.

Possession of personal property.

Interest.

§ 6. It shall not be lawful for said association to accept or receive for the advance or loan of any sum of money secured by pledge of personal property an interest exceeding ten per cent. per annum on the sum advanced or loaned, but said association may receive such interest in advance or by way of discount in the manner that discounts are usually made by banks of discount and deposit.

Sale of property

§ 7. After the time for redeeming any property or effects pledged to said association shall have elapsed and the same be not fully redeemed it shall be lawful for said association to cause such pledged property to be sold at public vendue to the highest bidder for cash, first giving three days' public notice in some newspaper published in the city of Cairo, of the time and place of such sale and of the property to be sold and out of the proceeds shall be paid, first, the cost and expenses of such sale, second, the amount due the association, and third, the residue, if any, shall go to the pledger or his or her legal representatives: *Provided, however*, that said association may sell and dispose of any property pledged after the time for redemption shall have passed in all cases without previous notice or advertisement when the amount advanced or loaned on such property shall not exceed the sum of two hundred dollars.

Liabilities of stockholders.

The stockholders herein shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others, and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made and the amount of said stock shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located for the period of three months. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Organization.

§ 8. This act shall continue in force as provided and take effect on and after its passage.

APPROVED February 28, 1867.

In force February 26, 1867.

AN ACT to incorporate the Springfield Savings Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Samuel H. Melvin, John A. Chesnut, Benjamin F. Fox, Rufus S. Lord, William M. Springer, Charles A. Helmle, Edward L. Baker, John S. Bradford, R. P. Able, and their asso-

ciates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Springfield Savings Bank," and shall have succession, a common seal, with power to plead and be impleaded, to sue and may be sued, to appoint all necessary assistants; and may have, enjoy and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings, loan and trust corporation.

§ 2. The general business and object of this corporation shall be to receive on deposit, or in trust, such sum or sums of money as may from time to time be offered therefor, by tradesmen, merchants, clerks, laborers, servants and others, to be repaid to such depositors when required, at such times, with such interest, and under such regulations as the board of directors may from time to time prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation shall be transacted.

§ 3. The business of the corporation shall be managed by nine directors, and the persons named in section one shall be the first directors thereof, and shall so continue until the first Monday in May, 1868, when their successors shall be chosen as hereinafter provided.

§ 4. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, payable in such installments as the directors may from time to time elect, under such penalties as they may in their discretion adopt; and the directors are hereby appointed and authorized to superintend the subscriptions to the capital stock of the corporation; and it will be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed, and at least ten per cent. of it paid into the treasury.

§ 5. This corporation may loan money at any rate of interest not exceeding ten per cent. per annum, or may discount, in accordance with bank usage, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks and other securities; but nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes, for the purpose of a circulating medium.

§ 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust or otherwise, as security for, or in payment of any debt or debts due, or to become due to the said corporation; to purchase real estate at any sale made in

virtue of any loan, debt or mortgage made to, or held by said corporation; and to receive and take, in whole or [in] part, satisfaction of any such loan or debt, any real estate, and to hold and convey the same.

Election of officers.

§ 7. The stockholders of this corporation shall meet on the first Monday in May, 1868, (and annually thereafter,) and elect, by ballot, from their number, nine directors, to serve for the term of one year, or until their successors are chosen. Each stockholder shall be entitled to one vote for every share of stock standing in his or her name on the books of the corporation; and they may vote in person or by proxy; the name of each stockholder so voting shall be indorsed on the ballot, and a plurality of votes shall elect. The directors shall elect annually from their number a president, vice president and secretary; the cashier may be selected from the stockholders by the directors; the directors shall make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of this corporation, not inconsistent with this act, or with the laws of this State or of the United States.

By-laws, etc.

Increase of capital stock.

§ 8. At any time after the full payment of the original stock of one hundred thousand dollars, as hereinbefore provided, the directors may increase the capital stock of said corporation to any amount not exceeding five hundred thousand dollars, in shares of one hundred dollars each; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock; stockholders shall have the option of subscribing to such additional stock, *pro rata*, within such time as the directors may limit.

Shares.

Deposits by minors.

§ 9. When any deposit is made to said corporation by a minor, or by a female, being, or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Stock personal and transferable.

§ 10. The stock of this corporation shall be deemed personal property, transferable only on the books of the corporation, and no transfer shall be valid while he is indebted to the corporation.

Term of existence of corporation.

§ 11. This corporation shall exist for the term of fifty years next succeeding the 1st of May, A. D. 1867, and shall be entitled to use all its corporate powers, rights and privileges for the period of three years thereafter, for the sole purpose of closing up its affairs. The stockholders herein shall be responsible in their individual property in double the amount of their stock to make good all losses to depositors or others, and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock shall have been advertised in some

Liabilities of stockholders.

public newspaper, printed in the county where the corporation is doing business and located, for the period of three months. This act shall be void unless said company shall Organization. organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

§ 12. This act shall be deemed a public act, of which Official notice
of act of incor-
poration. all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the La Salle County Savings, Loan and Trust In force March
5, 1867.
Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George H. Vorris, John F. Nash, Dwight F. Cameron, Milton H. Swift, W. Bushnell, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The La Salle County Savings, Name and style. Loan and Trust Company," and shall have succession, a common seal which they may alter pleasure; with power to Powers. sue and be sued, to plead and be impleaded, to appoint all necessary servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a savings, loan and trust company.

§ 2. The capital stock of said company shall be fifty Capital stock. thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as its by-laws prescribe.

§ 3. The said corporation shall have power to borrow Business pow-
ers and privi-
leges. money, and to pay interest thereon, and to loan the said money at any rate of interest not exceeding that now allowed by law to individuals; may have and hold coin and bullion, may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order and direction of any court or tribunal, or other legally constituted authority of the state of Illinois, or of the United States; may make such special regulations in reference to trust funds or deposits,

left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating and increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed upon.

Possession of
real estate.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust, or otherwise, as security for and in payment of loans and debts due or to become due to the said company or others; to purchase real estate at any sale made in virtue or on account of any loan, debt, mortgage or trust made to or by said company, and to receive and take in satisfaction of any such loan or debt any real estate, and to hold and convey the same, and to acquire, hold, possess, use and enjoy, and the same to sell, convey, lease, and dispose of all such real estate and personal property as is or may be necessary for the use of this corporation, or as may be deemed by the directors proper and necessary to carry on the business and accomplish the object of the company, or for the promotion of its interests.

Directors.

§ 5. The affairs of this company shall be managed by a board of directors of at least five, who shall be stockholders in the company; such election shall take place when two thousand dollars shall have been subscribed, and five per cent. paid thereon; and three of the corporators herein named shall be commissioners to open books for subscription. The money so received by the commissioners shall be paid over to the directors when elected. The directors shall elect a president, vice-president, and cashier, from their body annually; make and execute such by-laws as may be convenient and necessary for the proper prosecution of its business, not inconsistent with this act, or with the laws of this state or of the United States; but no by-laws of this corporation shall be passed without the consent of a majority of the directors, and all the acts of the duly appointed officers and agents of this company, done and performed under its authority, shall be binding on the company.

Stock subscrip-
tion.

By-laws.

Misnomers.

§ 6. A misnomer of said corporation in any deed, gift, grant, or other instrument, contract or conveyance, shall not vitiate the same, if the corporation shall be sufficiently described therein to declare the intention of the parties.

Time, place and
manner of
holding elec-
tions for direc-
tors.

§ 7. The election of directors of this company shall be held annually at the office of the company, and the board shall give at least ten days' thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot, and the name and number of shares of each stockholder voting shall be indorsed on the ballot, and a plurality of votes shall elect; every stockholder shall be entitled to one vote for every share of capital stock standing in his or their name on the books of the

company, and he may vote in person or by proxy. Any omission or failure to elect directors shall not impair in any wise the right of stockholders, depositors, or others interested. The directors so elected shall hold until their successors are duly elected and qualified.

§ 8. Within sixty days after the election of the first board of directors, as provided for in section seven of this act, the board of directors may call in an additional sum of ten per cent. on each share of said stock, to be paid at such time and place as the directors may direct, on due notice given to said subscribers. The shares of every stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon. After the payment of five per cent. on each share of stock subscribed, as provided in the foregoing section, the said company shall be considered fully organized, and after the further payment of ten per cent. on each share of the capital stock subscribed, the company may commence its business, full enjoyment of the privileges of this charter, at such place or places in the county of La Salle as the said board of directors shall direct.

Payment of
shares of stock.

§ 9. The board of directors shall have power to call for the payment of the balance due on the subscription of the stock of this company at such times as they may think proper, and in event of the non-payment of the balance due from any stockholder on his stock within sixty days after due notice, it shall be lawful for the directors, at their option, to enforce such payment, or to sell at public auction to the best advantage the amount of stock in the name of the said non-paying stockholder, who shall thereupon cease to be a stockholder in this company, and the purchaser or purchasers of said share or shares of stock shall have and enjoy all the privileges and profits accruing or accrued to the said shares of stock, and become liable for the payment of all calls then due or thereafter made on said shares of stock.

Payment of bal-
ance due.

Sale of share of
non-paying
stockholders.

§ 10. The board of directors shall have the power to declare dividends on the stock of the said company from time to time, and at any time after the accumulations of profits of said company shall exceed five per cent. on the amount of capital actually paid in: *Provided*, that in no case shall the amount of any dividend be paid over to any stockholder on his or their stock until the amount of fifty per cent. per share has been paid in to the said company.

Dividends.

Proviso.

§ 11. At any time after the full payment of the original capital of fifty thousand dollars into the company as hereinbefore provided, the board of directors may increase the capital of the company to the amount limited, or any part thereof, in shares of fifty dollars each, in such manner as they may deem proper; and the said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock provided in this act. Stockholders shall

Increase of
capital stock.

have the option of subscribing to such increased stock *pro rata*, with such time as the directors may limit, of which due notice is to be given.

Deposits of minors and married women.

§ 12. When any deposit is made by any person being a minor, or by a female, on hereafter becoming a married woman, in her own name, the said corporation may pay to each depositor such sums as may be due to him or her, and the receipt or acquittance of such minor or married woman shall be a legal discharge to said corporation therefor.

Officers security.

§ 13. All officers of said corporation shall respectively give such security for their fidelity and good conduct as the board of directors may from time to time require, and said board shall fix the salaries of such officers.

Existence of charter.

§ 14. That this shall exist for the full term of fifty years next succeeding the first day of April, A. D. 1867, and shall be entitled to use all its corporate powers, rights and privileges for the period of two years thereafter, for the sole purpose of closing up its affairs, and none other.

Business and operations.

§ 15. This corporation shall not engage in any general or commercial banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds; whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually liable, *pro rata*, according to the shares of stock severally held by them, and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be subject to any general law that may hereafter be passed relating to savings' banks or institutions of a similar nature; and it is hereby provided that in case said corporation shall not commence and continue business within two years from the passage of this act, the franchise and privileges herein granted shall be forfeited.

Proviso.

§ 16. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March 5, 1867. AN ACT to incorporate the Merchants' and Mechanics' Savings Bank of Danville.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Oliver L. Davis, John C. Short, Mason M. Wright, William Giddings, John R. Aylsworth, Aaron A. McDonald, Robert A. Short, Perry Fairchild and Joseph Smith, and their

associates and successors, and such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Merchants' and Mechanics' Savings Bank of Danville," to be located in the town of Danville, in the county of Vermilion, and state of Illinois; and shall have succession, a common seal, with power to sue and be sued, to plead and be impleaded, contract and be contracted with, to appoint all necessary officers, servants and assistants, and may have, enjoy, and exercise all powers necessary to carry out and execute the purposes and intents of a trust, deposit and loan company.

Name and style.

Powers.

§ 2. The capital of the said corporation shall be fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of one hundred dollars, which shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe.

Capital stock.

§ 3. The said corporation shall have power to borrow money and receive money on deposit, and pay interest thereon, and to loan the said money at any rate of interest, not exceeding that now or hereafter by law allowed to individuals, and to take such security, real or personal, as the directors or managers of said company shall deem sufficient; may accept and execute all such trusts whatever, fiduciary or otherwise, as shall or may be committed to it by any person, persons or other corporation, or by the order and direction of any court or tribunal, or other legally constituted authority of the state of Illinois, or of the United States; may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that heretofore specified as may be agreed upon.

Business and operations.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust or otherwise as security, for or in payment of loans and debts due or to become due to the said corporation or others; to purchase real estate at any sale made in virtue of or on account of any loan, debt or mortgage, or trust made to or held by said corporation, and to receive and take in satisfaction of any loan or debt, any real estate, and hold and convey the same, and to acquire, hold, possess and use and enjoy the same; to sell, lease, convey and dispose of all such real estate and personal property as it may deem necessary for the use of said corporation, or as may be deemed by the directors proper and neces-

Possession of real estate.

Conveyance of.

sary to carry on the business and accomplish the objects of the corporation, or for the promotion of its interests.

Directors.

§ 5. The affairs of the company shall be managed by a board of directors of at least five in number, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in the corporation. The election of such directors shall be had by the stockholders when thirty thousand dollars shall have been subscribed to the capital stock of said corporation, and ten per cent. paid thereon, and three of the corporators herein named shall be commissioners to open books for subscription.

Election of.

§ 6. The election of directors shall be held annually at the office of the corporation, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine; every election for directors shall be by ballot, and the number of shares owned by each stockholder shall be indorsed on the ballot by the person or persons who may receive the same, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of stock standing in his or their name on the books of the corporation, and he or they may vote in person or by proxy; any omission or failure to elect directors shall not in anywise impair the rights of stockholders, depositors, or others interested, and the directors in office shall hold over until their successors shall have been elected.

Calls for shares.

§ 7. Within sixty days after the election of the first board of directors, as provided in section 5 of this act, the board of directors shall call in an additional sum of ten dollars per share on each share of said stock, to be paid at such time and place as the directors shall appoint, on due notice to said subscribers; the shares of every stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of five dollars per share on the amount subscribed as provided in the foregoing section, the corporation shall be considered fully organized, and after the payment of fifteen dollars per share on the whole number of five hundred shares of the capital stock of the corporation, they may commence business in the full enjoyment of the privileges of this charter at such place in the said town of Danville as the said directors may designate.

Organization.

Payment of
subscriptions.

§ 8. The board of directors shall have power to call for the payment of the balance due on the subscription to the stock of this corporation, at such time as they may deem proper, and in the event of the non-payment of the balance due by any stockholder on his stock within sixty days after due notice, it shall be lawful for the directors, at their option, to enforce such payment, or to sell at public auction, to the best advantage, the amount of stock standing in the name of said non-paying stockholder, who shall thereupon

cease to be a stockholder in the corporation, and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges and profits accruing on account to the said shares of stock, and become liable for the payment of all calls then due or thereafter made on such shares of stock.

§ 9. The board of directors shall have power to declare dividends on the stock of the said corporation from time to time, after the accumulation of the profits of said corporation shall exceed five per cent. on the amount of capital actually paid in: *Provided*, said dividend shall not reduce the surplus of profits of the corporation below five per cent. on the amount of capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder on his or their stock until the amount of twenty-five dollars has been paid into said corporation. Dividends.

§ 10. At any time after the full payment of the original capital of fifty thousand dollars into the corporation as hereinbefore provided, the board of directors may increase the capital stock of the corporation to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as may be deemed proper, and such increase shall be liable and subject to all the liabilities, immunities and privileges of the original stock as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the directors may limit, of which due notice is to be given. Increase of the capital stock.

§ 11. That any real estate acquired in fee by this corporation, either by purchase or in payment or satisfaction of any loan or debt, and not held in trust or security, other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than ten years; and shall within that time be sold and conveyed, either at public or private sale, so as to divest the corporation of the title to and in fee in the same. Sale and conveyance of real estate acquired in fee.

§ 12. This corporation shall not engage in any general or commercial banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually liable, *pro rata*, according to the shares of stock severally held by them, and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be subject to any general law that may hereafter be passed relating to savings banks, and institutions of a similar nature, and it is hereby provided that in case said corporation shall not commence and continue business Business and operations defined.

within two years from the passage of this act, the franchises and privileges herein contained shall be forfeited.

Assessments of
stock.

§ 13. The stock of the company incorporated under this act shall be assessed, *pro rata*, in proportion to its value as other personal property, and they may deduct from the assessed value of such shares the assessed value of all real estate held by said corporation, or such amounts of the capital stock of said company as shall be invested in United States bonds, and all indebtedness of said company to persons within the state of Illinois.

Existence of
charter.

§ 14. The corporation hereby created shall exist for the term of fifty years from the passage of this act.

§ 15. This act shall take effect and be in force from and after its passage, and shall be a public act.

APPROVED March 5, 1867.

In force March
6, 1867.

AN ACT to incorporate the German Banking Institution.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Paul G. Schugh, Charles Gericke, Fridolin Bross, Charles Feuchter, Frederic Konsmeyer, Edward Buder, Louis Houck, Leo Kleb, Christian Hany, Herman Meyer, Peter Neff, Ernest Reichert, Andrew Loher, Jacob Lehning and Charles Schoenmeyer, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Cairo German Banking Institution;" and by that name they and their successors shall have perpetual succession, and shall have a common seal, (which may be changed at pleasure), and power in law and equity, of suing and being sued, of pleading and being impleaded, contracting and being contracted with, and to appoint all necessary officers, clerks and agents; and to be located in the city of Cairo, county of Alexander, and State of Illinois.

Name and style.

Powers.

Capital stock.

§ 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of fifty dollars each, with power to increase the same from time to time, by a vote of the directors, to be subscribed and paid for in the manner hereinafter specified.

Stock subscrip-
tion.

§ 3. A majority of the corporators herein named shall be and are hereby authorized, at any time within two years after the passage of this act, to open books for the subscription of the capital stock of the corporation, in the city of Cairo, and to keep them open until the sum of twenty-five thousand dollars shall have been subscribed, at which time,

or as soon as convenient thereafter, they shall designate a time and place for the first election of the directors of said corporation, by the parties subscribing for the capital stock thereof; and each share of stock so subscribed shall be entitled to one vote.

Election of directors.

§ 4. The payment of the stock subscribed shall be made and completed by the subscribers, respectively, at such time, place and manner as said directors shall prescribe; and no person shall be a director unless he be a *bona fide* subscriber or stockholder.

Payment of subscribed stock.

§ 5. No subscriber of the stock of the corporation hereby created shall have the right to vote at the first election of the directors, unless he shall have first paid ten per cent. of the amount subscribed by him to such agent as the corporation of this act may designate; nor shall any subscriber or stockholder have, at any time, the right to vote at any election held by virtue of this act, who shall be in default to the corporation for any payments, either in stock held by him or otherwise.

Vote of stockholders.

§ 6. The corporation hereby created shall have power to borrow money, to receive money on deposit, and to loan the same; to buy and sell drafts, bills of exchange, bonds, notes and other instruments in writing; to allow interest on money deposited; to transfer from place to place gold dust, gold and silver coin and bullion for emigrants and others; to create, appoint and employ and establish such officers, agents and servants as shall be necessary to carry on the business of said corporation, and to pass such ordinances and by-laws as shall be necessary and proper for carrying into operation the powers granted by this act; but said ordinances and by-laws shall not be inconsistent with the constitution and laws of this state.

Business and operations.

§ 7. It shall be lawful for the corporation hereby created to purchase and hold such real estate as may be convenient and useful in the transaction of its business; and to take and hold any real estate, in trust or otherwise, as security for, or in payment of loans and debts due or to become due to said corporation; to bid for and purchase real estate at any sale made by virtue of or on account of any loan or mortgage, or trust made to or held by or for said corporation, or in which it is interested, and to receive and take in satisfaction of any loan or debt any real or personal estate, and to hold, use, improve, lease and convey the same.

Possession of real estate.

§ 8. The stock and the affairs of the corporation hereby established, shall be managed and conducted by nine directors; and the first board of directors, after being elected and qualified, shall be divided by lot into three classes—three to serve for one year, three for two years, and three for three years, (and until their successors are elected and qualified,) so that every year only three directors be elected, to serve for the term of three years; such election to be

Directors.

Classification of

Election of.

- held in the city of Cairo, at such time, place and manner as the board of directors shall, by ordinance or by-law, prescribe, and shall be made by ballot, by plurality of the stockholders; and stockholders not present may vote by proxy, made in writing directly to the person representing them at such election; and in case it should happen that at any time on the day the election of directors should be held, no election should be made, it shall and may be lawful on any other day to make and hold an election of directors, in such manner as shall be regulated by the by-laws of the corporation.
- Manner of voting for.** § 9. The directors chosen shall, as soon as may be after every annual election of directors, proceed to choose out of their own number a president, who shall hold his office until the election of his successor. Said president shall perform such services and have such powers as may be conferred upon him by the by-laws of the corporation. In case of the death or resignation of the president or any of the directors, the vacancy may be filled by the board of directors; and in the event of the absence of the president, the board of directors shall have the power to appoint a president, *pro tempore*, who shall have all the powers and perform all the duties of the president regularly chosen.
- President.**
- Vacancy.**
- President pro tem.**
- Assistants.** § 10. The said directors may, by by-laws, direct in what manner the business of the corporation shall be done; and they shall have power, subject to such by-laws, to appoint from their own body one or more assistants to aid in the performance of the business of the corporation, with such compensations and allowances as they shall think proper; and they shall have power to declare and make dividends of the profits arising out of the business of the corporation, and fix, allow and pay out of the funds of said corporation the officers, agents and servants of said corporation such wages, salaries and compensations as they shall think proper and reasonable; but no by-laws of the corporation shall be passed without the consent of a majority of the directors.
- Dividends.**
- Officers, etc., wages.**
- Stock personal property assignable and transferable.** § 11. The stock of the corporation shall be deemed personal property, and shall be assignable and transferable, according to such rules and regulations as the board of directors shall from time to time make and establish.
- Forfeited shares.** § 12. The directors shall also have the right, in case that any stockholder shall fail to pay any installment for thirty days after a call thereof, by publication or otherwise, to declare the stock of such stockholder so in arrears forfeited to the corporation, together with the sums already paid thereon; or, at their option, sue for and recover the entire amount of subscription remaining unpaid.
- Limited subscriptions.** § 13. Until the first election of directors by the stockholders shall have been held, it shall not be lawful for any one person to subscribe more than fifty shares of the stock of the corporation; and the directors elected by the stock-

holders shall be authorized to limit the number of shares which shall be held by any one person, and to alter and abolish such limits whenever they may deem it proper to do so.

§ 14. All contracts and other instruments in writing, which may be made or entered into by said corporation, shall be subscribed by such officer or officers, agent or agents as shall be authorized by the ordinances and by-laws of the corporation; and being so signed shall be binding upon said corporation; and all such contracts and instruments in writing may be signed and carried on without the presence of the board of directors, by its officers, assistants and agents. This corporation shall not take on deposit any savings or trust funds, or in any way engage in a savings banking business. Contracts, etc.

§ 15. This act shall be and is hereby declared to be a public act, and the same shall be as such liberally construed, and shall take effect and be in force from and after its passage. Construction of act.

The stockholders herein shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from said liability, until after the fact of such assignment and name of the person to whom made, and the amount of said stock shall have been advertised in some public newspaper, printed in the county where this corporation is doing business and located, for the period of three months. Stockholders responsibilities and liabilities.

This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any law hereafter passed on the subject of banking, trust and deposit companies. Time of organization limited.

APPROVED March 6, 1867.

AN ACT to incorporate the Mutual Trust Society.

In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That S. J. Anthony, Andrew Brown, Erastus Bailey, Paul Cornell, Charles Cloyes, Gilbert Hamilton, Van H. Higgins, Alonzo Huntington, Joseph Kettlestrings, Gustavus Knoblauch, J. A. McCulloch, George Scoville, William H. Shackford, R. K. Swift, Michael Ward, and all others, who may become associated with them as subscribers to the stock of the society hereby created, their successors and assigns forever, be, and they hereby are, created and made a body* Corporators.

Name and style	after named, by the name and style of the "Mutual Trust Society;" and by that name shall be, and hereby are, em-
Powers and pri- vileges.	powered to purchase, have, hold, possess and enjoy, by themselves, successors and assigns, forever, lands, tene- ments, hereditaments, money, goods, chattels, choses in action, and effects of every kind, and the same to grant, sell, alien, improve, lease, invest, loan and dispose of; to sue and be sued, plead and be impleaded, in all courts of law and equity; to have and use a common seal, and the same to change, alter, or renew at pleasure; and to have and exercise all other needful powers, to carry out, execute and fulfill the objects and purposes hereinafter named.
Objects and purposes.	§ 2. The chief objects and purposes of the said society are declared to be to provide convenient means for the uniting and employment of capital or other values, through any desirable period of time, for accumulation, and ultimately the net proceeds of any trust or trust estate con- fided to the society for accumulation, to apply as may be desired or contracted for by and between the said corpora- tion and any owner or holder of a certificate or certificates of shares in its capital stock, to promote or advance any of the objects or purposes named or alluded to in this act of incor- poration, and which objects and purposes shall be, in substance, some one or more of the following, viz:
Invest etc.	funds, <i>First.</i> —To invest and re-invest the capital stock and funds of said society in merchantable and interest-bearing securities or in rents; and any part thereof to sell and the proceeds re-invest in like securities or rents; and the yearly net profits realized therefrom to appropriate and dis- pose of as hereinafter named.
Execute etc.	and trusts, <i>Secondly.</i> —The society may accept, execute and fulfill for and at the request of any stockholder in the said capital stock and upon his, her or their contribution of money or other acceptable values, in aid of such request and trust— the chief objects and purposes of which shall be expressed in any such trust—to encourage, advance or promote some industrial, charitable, benevolent, sanitary or educational purpose, enterprise or undertaking, or to secure, advance or promote the welfare of the survivors or survivor or de- scendants of families, or to encourage, promote or advance some worthy object, intended for public good; and the society may also accept of, execute and fulfill any trust or trusts of the nature of tontine for any combination of indi- viduals of one or more families, whether they be blood relations or not and for their mutual benefit, or for the bene- fit of the survivors or survivor of them or of any of them.
Directors.	§ 3. The business and affairs of the said corporation shall be managed by a board of not less than three nor more than fifteen directors, and such officers and agents in this state and other states and places, as they may appoint.

The first board of directors shall be elected by the corpora- How elected.
 tors aforesaid, or such of them as may act, together with
 such other persons as may become associated with them as
 subscribers to the stock of said society; and thereafter the
 said directors shall be elected by ballot, by and from
 the stockholders of said society. They shall hold their
 offices for the term of three years and until others shall be
 elected or chosen to fill their places. In case of a vacancy
 by death, resignation or otherwise, the remaining directors
 may fill such vacancy by appointment until the next regular
 election. A majority of said directors shall always be
 residents of the state of Illinois. The said board of direct- Residents of the
 ors shall have power to ordain and put in execution such state.
 by-laws and regulations as they may deem proper for the By-laws and
 well-ordering and government of said corporation: *Pro- regulations.*
vided, they be not repugnant to the laws of the United
 States or of this state, or to the provisions of this act of
 incorporation. They shall have power to appoint all such
 officers and agents as they may think desirable, and to fix
 their salaries, compensation, duties and terms of office.
 They shall require the officers in charge of the home office
 of said society to make out an annual report of the resour-
 ces and liabilities, receipts and expenses, business and losses
 of the society, to be verified by affidavit—of which report
 each stockholder shall be entitled to a copy. The home
 office of said society shall be located in the city of Chicago.
 Contracts to which said corporation may be a party shall be
 valid and binding, with or without the seal of said corpora-
 tion attached.

§ 4. At any time within five years from and after the Organization.
 passage of this act the said corporators, or such of them as
 may act, shall proceed to organize the society, by the
 election of the first board of directors, and open books
 for subscription for the capital stock of said society. And Stock subscrip-
 tion.
 subscribers therefor may be required to pay for the stock
 so subscribed for by them, in installments, as may be
 ordered by said board of directors; and they may and shall
 forfeit, for the use of the society, all installments and pay-
 ments that may have been made by them thereon, upon
 failure to make due and punctual payment of any install-
 ment that may be called for or ordered by said directors.

§ 5. At all elections for directors the stockholder shall
 be entitled to one vote, by themselves or proxy, for each
 share of stock held and owned by them respectively. Vote of stock-
 holders.

§ 6. Shares in said capital stock shall be transferable
 only in the books of said corporation, according to the rules
 and regulations of the society. Shares trans-
 ferable.

§ 7. The said capital stock may be acquired by issue
 and sale of certificates of shares therein, in such sums per
 share and with such grades of preference as to a share or
 shares in the dividends of the net profits of the society, and
 Capital stock
 acquired by
 issue, etc.

with such terms and conditions as to the retirement or extinguishment of any such share or shares, as the said directors, or a majority of them, may deem proper to ordain, fix or establish. The total amount of said capital outstanding at any one time may be to the extent of three hundred thousand dollars.

Total amount of capital stock.

Sale and exchange of certificates.

§ 8. It shall be lawful for the society to sell or exchange its certificates of shares in said capital for valuable interests in lands or rents of lands or for any valuable service rendered by any person or persons to the society.

Disposition of yearly net profits.

§ 9. The yearly net profits of the society shall be appropriated and disposed of as follows :

"First Reserve Fund."

First.—One-tenth part thereof shall be set apart and go to a fund to be designated in the books and vouchers of the society as the "First Reserve Fund;" and it and its net increase shall be invested and re-invested in merchantable securities by the society, for account of said reserve fund, until it and its net accumulations shall amount to the full sum and value of fifty thousand dollars, when, and so often as the sum last above named is so accumulated as last aforesaid, then and so often the same shall be and hereby is appropriated and shall be paid out by said society to defray, to the extent of said sum, the cost or expense of such objects or purposes as may be deemed most beneficial to the worthy poor in said city as the mayor and common council of said city may direct or approve.

"Second Reserve fund."

Secondly.—One other or tenth part of said yearly net profits shall be set apart and go to a fund to be designated in the books of the society as the "Second Reserve Fund;" and it and its net increase shall be invested and re-invested in merchantable securities by said society until said fund last above named and its net increase shall be deemed sufficient to purchase suitable grounds and to construct thereon suitable fire-proof buildings and fire-proof safety vaults, for the needful use of the society and the trusts it may accept to execute and fulfill; and upon the completion of the purchase of such grounds and of said buildings and vaults, from then and thenceforth the said fund last above named and its remainder may be appropriated to such other uses, for the benefit of the society, as the said directors may deem most beneficial to the permanent welfare of this corporation. *And, thirdly.*—The remainder of said yearly net profits shall be appropriated and paid in dividends to owners of certificates of shares in the said capital stock, in sums and amounts in accordance with the terms of the certificates of ownership of shares in said capital held by them respectively.

Dividends.

Liens.

§ 10. No trust or trusts accepted by the directors shall in any way be a charge or lien on the said capital or on either of the said reserve funds, nor shall any part of said

capital or reserve funds be used or appropriated for any such trust or trusts.

§ 11. The business affairs, funds and values of each and every trust accepted for the society, by the directors, shall be kept separate, each for its own account, except otherwise especially provided for in the deed or any deed creating such trust or trusts, and each of such trusts shall be at its own individual risk as to losses on securities taken in good faith, and taken for the respective accounts of any such trusts. Funds kept separate.

§ 12. Nothing herein contained shall be construed to authorize the business of banking.

§ 13. This act shall be deemed to be a public act, and take effect from and after its passage. Banking business prohibited

APPROVED March 6, 1867.

AN ACT to incorporate the McLean County Banking Institution.

In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Owen T. Reeves, Michael Swann and B. F. Betsee, and their associates and successors, and all such persons as shall become lawful stockholders in the institution hereby created, shall be a body politic and corporate, by the name and style of "the McLean County Banking Institution;" and as such, shall have succession, a common seal, power to plead and be impleaded; to appoint all necessary officers, servants and assistants; and may have and enjoy, and exercise, all the powers necessary to carry out the purposes of a savings institution--to be located in Bloomington, McLean county, Illinois.

Name and style

Powers.

§ 2. A majority of the incorporators herein named, may proceed to open books for subscription to the stock of said institution, and shall, at the same time, or thereafter, designate a time for the first election of trustees of said institution, by parties subscribing to the stock thereof; and each share of stock, so subscribed for, shall be entitled to one vote.

Stock subscription.

§ 3. The capital stock of said company shall be fifty thousand dollars, with power to increase the same to five hundred thousand dollars; to be subscribed and paid for in the manner prescribed by the by-laws to be framed by said institution, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said institution, in such manner as its by-laws shall prescribe.

Capital stock.

§ 4. The said institution shall have power to borrow money, and receive money on deposit, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter, allowed by law to

Business and operations.

private individuals; and to discount, in accordance with the usages of banks, (and in computation of time, thirty days shall be a month, and twelve months a year;) and to make such loans payable either within or without this state; and to take such securities therefor, real or personal, or both, as the trustees or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities; may have and hold coin and bullion, and buy or sell the same; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal; may make such special regulations in reference to trust funds as shall be agreed upon with the depositors or parties interested; and may issue letters of credit and other commercial obligations.

Possession of
real estate.

§ 5. It may be lawful for the institution hereby incorporated to purchase and hold such real estate as may be convenient in the transaction of its business, and to take and hold any real estate in trust or otherwise, as security for or in payment of loans and debts due or to become due to said institution; to purchase real estate at any sale made in virtue or on account of any loan or mortgage or trust made to or held by or for said corporation, or in which it is interested; and to receive and take in satisfaction of any loan or debt, any real or personal estate, and to hold, use, improve and convey the same.

Trustees.

§ 6. The affairs of the institution shall be managed by a board of trustees, at least three in number. After the first election, as herein provided, the trustees shall be elected by the stockholders, at such times, places and in such manner, as shall be prescribed by the by-laws of said institution. The trustees of said institution shall be elected annually; but any failure or omission to elect trustees shall in no wise impair or affect the rights or interests of stockholders, depositors or others interested.

How elected.

§ 7. The trustees shall have the right to form all such by-laws as in their judgment shall be necessary for the government and management of the affairs and business of said institution: *Provided*, that they shall contain nothing inconsistent with the laws and constitution of this state or the United States.

By-laws.

§ 8. The trustees shall have the right to declare dividends out of the earnings of said institution.

Dividends.

§ 9. This corporation shall not take on deposit any savings or trust funds, or in any way engage in a savings banking business. This act shall be a public act, and shall be in force and take effect from and after its passage.

Banking prohibited.

§ 10. This act shall be void, unless said company shall organize and proceed to business, within two years after the passage hereof. The said company shall be subject to

Time of organization limited &c.

the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

APPROVED March 6, 1867.

AN ACT to charter the Mascoutah Real Estate and Savings Bank.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Max Speel, Alexander Ross, William Maus, Geo. C. Eisenmeyer, Philip Postel, Andrew Eisenmeyer, George Swaggart, their associates, heirs and assigns, and all such persons as shall become stockholders in the corporation hereby created, and their successors shall be a body politic and corporate, by the name and style of the "Mascoutah Real Estate and Savings Bank," and shall have a common seal, power to plead and be impleaded, to appoint all necessary officers, servants and assistants, and be located in the city of Mascoutah, in St. Clair county, Illinois.

§ 2. A majority of the corporators herein named, may proceed to open books for subscription to the stock of said company, and shall, at the same time, or hereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof, and each share of stock subscribed for, shall be entitled to one vote.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be formed by said company; and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and to pay interest thereon; and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law, to private individuals, and in computation of time, thirty days shall be a month, and twelve months a year, and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages, or other securities, either within or without this state; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons,

or by the orders or directions of any court or tribunal or other legally constituted authorities of the state of Illinois, or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon by the depositors or parties interested, for the purpose of accumulating or increasing the same; and may secure the payment of any loans made to said company in any way the directors may prescribe.

Married women
and minors
privileges of.

§ 5. Married women and minors may, in their own names, subscribe for stock, and deposit money in said corporation, and receive certificates of stock and of deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Purchases of
real estate, &c.

§ 6. It may be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient and useful in the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for and in payment of loans and debts due or to become due, to said company; to bid for and purchase real estate, at any sale made by virtue of or on account of any loan, or mortgage, or trust, made to or held by or for the said company, or in which it is interested; and to receive and take, in satisfaction of any loan or debt, any real or personal estate; and to hold, use, improve, lease and convey the same.

Directors.

§ 7. The affairs of the company shall be managed by a board of directors, at least three in number, after the first election as is herein provided. The directors shall be elected by the stockholders, at such time and place, and in such manner as shall be established by the by-laws of such company. The directors of said company shall be elected annually, but any failure or omission to elect directors shall in nowise affect the rights and powers holding over, or the rights or interests of the stockholders, depositors, or others interested.

Officers, agents,
etc.

§ 8. The directors shall have the right to form by-laws, for the appointment of other officers, agents and others necessary for the company's service, and for regulating their own proceedings and the company's operations; however, not inconsistent with the constitution and laws of this state.

Forfeiture of
stock.

§ 9. The directors shall also have the right in case any stockholder shall fail to pay any installment for thirty days after a call thereof, to declare the stock of such stockholder (so in arrears) forfeited to the company, together with the sums already paid thereon, or at their option, sue for and recover the entire amount of subscription remaining unpaid; and shall have the right to declare dividends out of the earnings of the company.

Dividends.

§ 10. The directors shall make an annual report to the treasurer of the state of Illinois, of their acts and doings for the previous year, such report to be verified by the affidavit of the president or other proper officer of said company. This corporation shall not engage in any general or commercial banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds, whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually liable, *pro rata*, according to the shares of stock severally held by them, and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof, in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be subject to any general law that may be hereafter passed relating to savings banks or institutions of a similar nature, and it is hereby provided that in case said corporation shall not commence and continue business within two years from the passage of this act, the franchises and privileges herein granted shall be forfeited.

Annual report.

Banking business prohibited.

Exclusive business.

Liability of stockholders.

Act subject to general laws, &c.

Forfeitures of franchise.

Commencement of business.

§ 11. Until the sum of ten thousand dollars shall have actually been paid in on subscription to capital stock, the company shall not commence business.

§ 12. This act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Ottawa Loan and Trust Company.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William Hickling, I. F. Nash, W. Bushnell, M. H. Swift, Robert M. McArthur, E. Y. Greggs and Julius Avery, and their successors, are hereby constituted a body corporate and politic, by the name of "The Ottawa Loan and Trust Company," to be located in the city of Ottawa, in said state.

Name.

§ 2. That said corporation shall be authorized to receive from any person or persons who may wish to enjoy the advantage of the same any deposit or deposits of money and to use and improve the same for the purposes and according to the directions herein prescribed.

May receive deposits of money, etc.

§ 3. That all deposits of money received by said corporation shall be used and improved to the best advantage and in a manner not inconsistent with the laws of this state or the provisions of this act, and the income or profits thereof, not exceeding six per cent. per annum, shall be applied and

Disposition and application of deposits.

divided among the persons making such deposits, their executors or administrators in just proportion, and the principal of such deposits may be withdrawn at such times and in such manner as the said corporation may direct and prescribe; and it shall be the duty of the board of trustees of said institution to regulate the rate of interest to be allowed to depositors, not exceeding the rate per cent. herein specified, so that they shall receive a ratable proportion thereof, after deducting all necessary expenses in the management of the business of such corporation. The rate of interest to be allowed depositors to the amount of five hundred dollars and upwards shall be at least one per cent. less than the interest allowed others.

Rate of interest.

Trustees

Officers.

Vacancies.

Quorum.

Pay and emoluments.

Seal.

Conveyances and agreements.

Powers.

Investment of moneys.

Borrowing money.

Certificates of deposits.

Issuing of bills and notes prohibited.

§ 4. That the business and property of said corporation shall be managed by a board of trustees, thirteen in number, who shall at their first meeting and as often as may be necessary, elect by ballot from their number, a president and vice-president and cashier. The several persons named in the first section of this act shall be the first trustees, and all vacancies in said board shall be filled at the next regular meeting thereof after such vacancy shall arise, and the person receiving a majority of the votes of the trustees present shall be duly elected. Five trustees, of whom either the president, vice-president or cashier shall be one, shall constitute a quorum for the transaction of all ordinary business. The trustees or managers of said corporation, as such, shall not receive any pay or emolument for their services, but this last provision shall not apply to the cashier or financial officers of said corporation.

§ 5. That said corporation may have a common seal which they may change or renew at pleasure, and that all deeds, conveyances or grants, covenants and agreements made by their president, cashier or other person, by their authority and direction, according to their instructions, shall be good and valid; and said corporation shall at all times have power to sue, and may be sued, to plead and be impleaded and defend, and shall be ruled to answer by the name and style of the corporation.

§ 6. It shall be lawful for said corporation to receive and take on investment of moneys under this act a rate of interest not exceeding ten per cent. per annum, as may be directed by the board of trustees or managers thereof.

§ 7. That no trustee or officer of said corporation shall directly or indirectly borrow any of the moneys of said corporation, or in any manner use the same except in the lawful business of said corporation. All certificates or evidences [of] deposit made by the proper officer or officers shall be as effectual to bind the corporation as if made under the common seal thereof; said corporation is hereby prohibited from issuing any bills or notes to circulate as money.

§ 8. A misnomer of said corporation in any deed, gift, grant, or other instrument, contract or conveyance, shall not vitiate the same if the corporation shall be sufficiently described therein to declare the intention of the parties. Misnomers.

§ 9. The books of said corporation shall at all times during the hours of business be open to the inspection and examination of the auditor of public accounts in this state, and such other person or persons as the legislature shall designate or appoint. The corporation shall make a report to the legislature of this state on or before the first day of January in each year, when the stated sessions are held of the state of their funds and investments. Books open to inspection and examination.

§ 10. When any deposit is made by any person being a minor, or by a female being, or hereafter becoming a married woman, in her own name, the said corporation may pay to each depositor such sums as may be due to him or her, and the receipt or acquittance of such minor or married woman shall be a legal discharge to said corporation therefor. Deposits of minors and married women.

§ 11. That said corporation are hereby authorized to take, hold and convey such real estate in the city of Ottawa as may be necessary and convenient for an office or place for the transaction of its business, and such as may be conveyed to said corporation as security or in payment of debts or purchased by it at sales under judgments or decrees recovered by or belonging to said corporation and such personal property as may be necessary and convenient for its business. Possession of real estate and personal property.

§ 12. It is made the duty of said corporation when authorized by the court, to receive and hold as depository all moneys which may hereafter come to or be paid into either of the courts of LaSalle county, sitting either in common law or in chancery subject at all times to such rules and regulations concerning the management of such moneys as the judges of said courts may from time to time make or prescribe not inconsistent with the provisions of this act. Depository for county courts.

§ 13. It shall be lawful for said corporation to vest moneys which they shall receive in any stocks of the United States, or in securities for the redemption and payment of which the faith of any state in the Union shall be pledged or in the bonds secured by mortgage upon unincumbered real estates in the city of Ottawa, worth at least double the amount loaned or upon any other security which shall be deemed by the board of trustees or their finance committee to be amply sufficient and also to make temporary deposits in any of the banks incorporated under the laws of this state, located in the city of Ottawa or in any incorporated bank in the city of New York, and to receive interest thereon at such rates not exceeding that allowed by law, as may be agreed upon. Investments in stocks and securities.

Rates of interest

Surplus funds.	§ 14. The said corporation is hereby authorized to accumulate gradually and hold invested a surplus fund not exceeding five per cent. on the amount of the deposits, to the end that in case of reduction in the market price of any of the securities held by said corporation below the par value thereof, any loss to depositors by reason of such reduction may be prevented and made good by said fund, and are hereby authorized to hold an available fund not exceeding one-third of the total amount of deposits with said institution, which they may keep to meet the current payments of said corporation, and which may be kept on deposit on interest, or otherwise, in such available form as the trustees may direct. The accumulated fund of five per cent.
Available fund.	herein provided for, and the real and personal property belonging to said corporation, shall be liable to taxation as other real and personal estate, but said corporation shall not be liable to taxation on deposits made therein or on any security or securities taken for, or on any investment or investments of the same.
Taxation.	§ 15. The annual meeting of the trustees of said corporation shall be held in the city of Ottawa some time in the month of July in each year and at such other times as they may judge expedient, of which meeting notice shall be given as may be directed by the by-laws of the corporation. The said corporation shall be and hereby are vested with the power of making by-laws for the more orderly management of the business of the same, provided they are not repugnant to the laws of the state.
Annual meetings.	§ 16. The subordinate officers of said corporation shall respectively give such security for their fidelity and good conduct as the board of managers may from time to time require, and said board shall fix the salaries of such officers:
Notice of.	<i>Provided</i> , that any and all sums of money, with the accumulated interest thereon remaining unclaimed for the space of twenty years, shall deposit the same with the accumulated interest thereon, with the state treasurer, to be held by lien in trust for five years for all claimants.
Proviso.	§ 17. This corporation shall not engage in any general or commercial banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds. Whenever default shall be made in the payment of any debt or liability contracted by the corporation the stockholders shall be individually liable <i>pro rata</i> according to the shares of stock severally held by them, and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provi-
Officers' security.	
Proviso.	
Business and operations.	
Organization.	

sions of any law hereafter passed on the subject of banking, trust or deposit companies.

§ 18. This act shall take effect from and after its passage, and may be altered, amended or repealed at the pleasure of the legislature of this state.

APPROVED March 7, 1867.

AN ACT to incorporate the Danville Savings and Trust Company.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lewis T. Palmer, Wm. J. Moore, Joseph G. English, V. Lesines and Samuel G. Craig, and their associates and successors, and such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Danville Savings Loan and Trust Company," to be located in the town of Danville, in the county of Vermilion, and state of Illinois, and shall have succession, a common seal, with power to sue and be sued, to plead and be impleaded, contract and be contracted with, to appoint all necessary officers, servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intents of a trust, deposit and loan company.

Name and style
Location.

Powers.

§ 2. The capital of the said corporation shall be fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of one hundred dollars, which shall be deemed personal property, and shall be transferable on the books of said company, in such manner as its by-laws may prescribe.

Capital stock.

§ 3. The said corporation shall have power to borrow money and receive money on deposit, and pay interest thereon, and to loan the said money at any rate of interest, not exceeding that now or hereafter allowed by law to individuals, and in the computation of time thirty days shall constitute one month, and twelve months one year, and to take such security, real and personal, as the directors or managers of said company shall deem sufficient; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or corporation, or by the order and direction of any court or tribunal or other legally constituted authority of the state of Illinois, or of the United States; may make such special regulations in reference to trust funds or deposit left for accumulation or safe keeping, as shall best aid the said depositors or parties interested by

Business and
operations.

accumulating or increasing the same allowing and recovering such interest therefor not greater than that hereinbefore specified as may be agreed upon.

Possession of
real estate and
property.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust or otherwise, as security for or in payment of loans and debts due or to become due to the said corporation or others; to purchase real estate at any sale made in virtue or on account of any loan, debt or mortgage or trust made to or held by said corporation, and to receive and take in satisfaction of any loan or debts any real estate, and hold and convey the same, and to acquire, hold and possess and use and enjoy the same; to sell, lease, convey and dispose of all such real estate and personal property as it may deem necessary for the use of said corporation, or as may be deemed by the directors proper and necessary to carry on the business and accomplish the objects of the corporation, or for the promotion of its interests.

Management
and direction.

§ 5. The affairs of this company shall be managed by a board of directors of at least five in number, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in the corporation. The election of such directors shall be had by the stockholders when thirty thousand dollars shall have been subscribed to the capital stock of said corporation, and ten per cent. paid thereon; any three of the incorporators herein named shall be commissioners to open books for subscription.

Election of di-
rectors.

§ 6. The election of directors shall be held annually at the office of the corporation, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot, and the number of shares owned by each stockholder shall be indorsed on the ballot by the person or persons who may receive the same, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of stock standing in his or their name on the books of the corporation, and he or they may vote in person or by proxy. Any omission or failure to elect directors shall not in anywise impair the rights of stockholders, depositors or others interested, and the directors in office shall hold over until their successors shall have been elected.

Manner of vo-
ting.

Payment of
stock shares.

§ 7. Within sixty days after the election of the first board of directors, as provided in section five of this act, the board of directors shall call in an additional sum of ten dollars per share on each share of said stock, to be paid at such time and place as the directors shall appoint, on due notice to said subscribers. The shares of every stockholder

omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of five dollars per share on the amount subscribed, as provided in the foregoing section, the corporation shall be considered fully organized, and after the payment of fifteen dollars per share on the whole number of five hundred shares of the capital stock of this corporation, they may commence business in the full enjoyment of the privileges of this charter at such place in the said town of Danville as the said directors may designate.

§ 8. The board of directors shall have power to call for the payment of the balance due on the subscription to the stock of this corporation, at such times as they may deem proper, and in the event of the non-payment of the balance due by any stockholder on his stock, within sixty days after due notice, it shall be lawful for the directors, at their option, to enforce such payments, or to sell at public auction, to the best advantage, the amount of stock standing in the name of said non-paying stockholder, who shall thereupon cease to be a stockholder in the corporation, and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges and profits accruing or accrued to the said shares of stock, and become liable for the payment of all calls then due or thereafter made on such shares of stock.

§ 9. The board of directors shall have power to declare dividends on the stock of the said corporation from time to time, after the accumulation of the profits of said corporation shall exceed five per cent. on the amount of capital actually paid in: *Provided*, said dividends shall not reduce the surplus of profits of the corporation below five per cent. on the amount of capital actually paid in, but in no case shall the amount of any dividend be paid over to any stockholder on his or their stock until the amount of twenty-five dollars has been paid in to said corporation.

§ 10. At any time after the full payment of the original capital of fifty thousand dollars into the corporation as hereinbefore provided, the board of directors may increase the capital stock of the corporation to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as may be deemed proper, and such increase shall be liable and subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the directors may limit, of which due notice is to be given.

§ 11. That any real estate acquired in fee by this corporation, either by purchase or in payment or satisfaction of any loan or debt, and not held in trust or security other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than ten years, and shall,

within that time, be sold and conveyed, either at public or private sale, so as to divest the corporation of the title to and in fee in the same.

Sale of.

Business and
operations.

§ 12. This corporation shall not engage in any general or commercial, banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually liable, *pro rata*, according to the shares severally held by them, and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof in the newspaper publishing the letter list of the place where the office of the association is located.

Time of organi-
zation limited.

§ 13. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any law hereafter passed on the subject of banking, trust or deposit companies.

Period of exist-
ence of corpo-
ration.

§ 14. The corporation hereby created shall exist for the term of fifty years from the passage of this act.

§ 15. This act shall take effect and be in force from and after its passage, and shall be a public act.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the Fulton Savings Bank.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Leonard F. Ross, Alexander Hull, Henry L. Bryant, Thomas A. Boyd, William N. Cline and such other persons as may become stockholders in the corporation hereby created be and are hereby declared and constituted a body corporate, by the name and style of "The Fulton Savings Bank;" and may have and use a common seal, and that said bank shall be located at Lewistown, Fulton county, Illinois.*

Capital stock.

§ 2. The capital shall be twenty thousand dollars, and may be increased by said corporation to any sum not exceeding one hundred thousand dollars; shall be divided into shares of fifty dollars each, and deemed personal property. Each subscriber of stock shall pay at the time of subscribing twenty per cent. of the sum subscribed, and the remainder in such sums and in such manner as may be determined by the directors of said corporation. The corporators mentioned in section one of this act, or a majority of them, may open books for subscription of stock, at Lewistown, Fulton county, Illinois, at such time and place as

Stock subscrip-
tion.

they may appoint, upon giving twenty days' notice thereof in some paper published in said county; and when the sum of five thousand dollars is subscribed, the said corporation, or a majority of them, shall give notice of the time and place, in like manner, to the stockholders to meet and elect five directors, who shall hold their office until their successors are elected under the by-laws of the corporation. The directors shall elect a president from their number, and such other officers and agents as they may deem necessary, and shall have power to fill any vacancy in their number. At each meeting of the stockholders each share of stock shall entitle the owner thereof to cast one vote, in person or by proxy: *Provided*, that the amount due the corporation on such shares of stock so proposed to be represented shall have been paid, at or before the time of such meeting.

Election.

Vacancy.

Proviso.

§ 3. The said corporation shall be authorized to receive money from any person or persons who may wish to deposit the same. Married women and minors may, in their own names, subscribe for such stock and deposit money with said corporation, and receive certificates of stock and of deposits in their own names, which stock and deposits shall be subject to their disposal and order only. All deposits of money shall be used and improved in a manner not inconsistent with the laws of this state, or the provisions of this act; and any rate of interest not exceeding that allowed by law shall be paid for such deposits.

Deposits.

§ 4. The said corporation may accept and execute all such trusts, whether fiduciary or other otherwise, as may be committed to it by any person or persons, or by the order of any court or tribunal in the state of Illinois; may make such special regulation in reference to trust funds, deposits or savings as shall best aid the depositors and parties interested, by accumulating and increasing the same, allowing and receiving such rate of interest therefor not greater than hereinbefore mentioned, as may be agreed upon. The said corporation shall have power to loan and borrow money, to receive money on deposit, and pay interest therefor, and to loan money at any rate of interest not exceeding ten per cent. per annum.

Trusts.

Loans.

§ 5. The business of said corporation shall be conducted by the directors, and in such manner as they may determine by their by-laws and ordinances. Three of the directors, one of whom shall be president or vice president, shall be a quorum for the transaction of business of every kind. The officers of the company shall perform such duties as may be enjoined upon them by the board of directors, and such as are usual in such corporations.

Directors and officers.

§ 6. The said corporation shall have power to purchase and hold such real and personal estate as may be convenient for the transaction of its business; to take and hold any real or personal estate as security for the payment of loans

Possession of real estate and personal property.

or debts due or to become due to said corporation, and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust, or other instrument, and to hold said property, or to sell and convey the same, or any part thereof, at such price and under such conditions as the directors or officers may determine.

Business and
operation.

§ 7. This corporation shall not engage in any general or commercial, banking or exchange business, and shall confine its business exclusively to the receipts and care of savings and trust funds. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually liable, *pro rata*, according to the shares of stock severally held by them; and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be subject to any general law that may hereafter be passed relating to savings banks or institutions of a similar nature.

Liabilities of
stockholders.

Forfeited stock
shares.

§ 8. In case any stockholder shall fail to pay any installment for thirty days after a call therefor, the directors may declare the stock forfeited to the corporation, together with the sums already paid thereon; or may, at their option, sue for and recover the entire amount of subscription remaining unpaid.

Time of com-
mencement
of business, etc

§ 9. That in case said corporation shall not commence and continue business within two years from the passage of this act, the franchises and privileges herein granted shall be forfeited.

§ 10. This act shall take effect from and after its passage, and shall be liberally construed for all purposes herein contemplated.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the City Savings Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Schneider, Edward C. Dew, Simon C. Demuth, James B. Smith, John McCabe and James W. Peterson, of Carlyle, Clinton county, Illinois, their associates, successors and assigns, and such as may become stockholders in the corporation hereby created, shall be and are hereby made a body politic and corporate, under the name and style of

Name and style.

"The City Savings Bank," with perpetual succession; and

by that name may sue and be sued in all courts whatsoever; may have and use a common seal, and change the same at pleasure. The capital stock shall be fifty thousand dollars, but may be increased by a vote of the stockholders representing a majority of the capital stock; and the shares shall be one hundred dollars each, which shall be payable, as may be required by the board of directors, and shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as its by laws may prescribe.

Capital stock.

§ 2. The corporation shall have power to borrow money and to receive money on deposit, and to pay interest thereon, and to loan money at any rate of interest not exceeding that allowed by law to individuals; to take real or personal property as security for loans.

§ 3. The corporation shall have power to acquire, hold, use and possess and enjoy, and the same to sell, lease, convey and dispose of all such real estate and personal property as may be deemed by the directors proper and necessary to carry on the business and accomplish the object of the corporation, and for the promotion of its interests; and may make, ordain and put into execution such by-laws, rules and regulations not repugnant to the laws of the United States or this state.

Possession and enjoyment of real estate and property.

§ 4. The affairs of this corporation shall be managed by a board of directors, at least five in number, who shall be stockholders. Their election shall be had by the stockholders as soon as the capital stock of fifty thousand dollars shall be subscribed, and ten per cent. be paid thereon.

Management and direction of affairs.

§ 5. The board of directors shall be elected annually, and the outgoing board shall give at least ten days' notice to all stockholders of such election, in such manner as the by-laws may provide. All elections shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him or her, or them, and votes may be cast in person or by proxy. No stockholder shall be entitled to vote who is in arrears to the company with the payment of the capital stock called for and due at the time of election.

§ 6. Minors and married women shall have the right to deposit money with said company in their own names, and without their husbands' or guardians' consent receive certificates therefor in their own names, and such deposits shall be subject to the owners only.

Rights of minors and married women.

§ 7. All certificates or evidences of deposit made by the proper officer shall be as effectual to bind the corporation as if they were under the common seal thereof; and no stockholder or depositor not being in his individual capacity a party to any suit in which the said corporation may be a party shall be deemed incompetent as a witness.

Evidences of deposits effectual and binding.

Stock subscrip-
tion.

Organization.

Business and
operations.

Stockholders'
liabilities.

Act subject to
general laws.

Forfeiture.

§ 8. The corporators mentioned in section one of this act, or any three of them, shall, within six months from the passage of this act, open books for subscription of stock, at such time and place as they may appoint, giving twenty days' notice at least, in some newspaper published in Carlyle, in the county of Clinton, Illinois; and unless the corporation hereby created shall become organized within two years from the passage of this act, this act shall cease and become void. The fact of such organization shall be evidenced by a certificate thereof, made by the president and secretary, or any two directors of the corporation, under their respective oaths, and filed with the secretary of state, within sixty days from the date of such organization.

§ 9. This corporation shall not engage in any general or commercial, banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds. Whenever default shall be made in the payment of any debt or liability contracted by this corporation, the stockholders shall be individually liable, *pro rata*, according to the shares of stock severally held by them, and such liability shall continue until six months after the assignment of the stock, and publication of a notice thereof in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be subject to any general law that may hereafter be passed relating to savings banks or institutions of a similar nature: *And it is further provided*, that in case said corporation shall not commence and continue business within two years from the passage of this act, the franchises and privileges herein granted shall be forfeited.

§ 10. This act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the International Mutual Trust Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Hugh Maher, B. Caulfield, M. A. Rorke and Philip Conley, and their associates, successors and assigns, and all such persons as shall become lawful stockholders in the company hereby created, shall be a body politic and corporate by the name and style of "The International Mutual Trust Company," and shall have succession, may have and use a common seal, and the same to change, alter or renew at pleasure, power to plead and be impleaded, to appoint all necessary officers, managers, agents or employees, and may

Name and style.

Powers of cor-
poration.

have, enjoy and exercise all the power needful to carry out, execute and fulfill all the powers and duties authorized or incidentally required by this act. The head office of said company shall be located at the city of Chicago, in the state of Illinois.

Head office.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said company, and shall at the same time, or thereafter, designate a time and place for the first election of a board of managers of said company by parties subscribing to the stock thereof, and each share of stock so subscribed for shall be entitled to one vote in person or by proxy.

Stock subscrip-
tion.

Share votes.

§ 3. The capital of said company, may be acquired by issue and sale of certificates of shares therein, in such sums per share and with such grades of preference as to a share or shares in the dividends of the net profits of the company, and with such terms and conditions in relation to such dividends and as to retirement of such shares or any portion thereof, as the said board of managers may deem proper to fix or establish.

Capital.

§ 4. Said capital may be acquired to the extent of five hundred thousand dollars, and until one hundred thousand dollars of said capital shall be paid in in cash the said company shall not exercise any of the powers, rights and privileges given by this act of incorporation, except as between individual owners of shares in said capital, and the said company. Shares in said capital shall be deemed personal property, and shall be transferable only upon the books of said company in such manner as its by-laws may prescribe.

Extent of capi-
tal.

§ 5. The said company shall have power to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to make such loans payable either within or without this state, and in the lawful money of the state or country in which the same is made payable, and to take such securities therefor, real or personal, or both, as the board of managers of said company shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; and may buy or sell exchange, bills, notes, bonds, or other securities; may have and hold money, and may issue letters of credit: provided, nevertheless, that the said board of managers, or the said company, shall not loan out any of the said capital or the increase or accumulation thereof, nor the funds of any trust confided to the said board of managers or to the said company, except upon pledge of merchantable collateral securities.

Business and
operations.

§ 6. It may be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient and needful in the transaction of its business, and to take and hold any real estate in trust, or otherwise,

Possession of
real estate.

as security for or in payment of loans and debts due or to become due to said corporation; to purchase real estate at any sale made in virtue of or on account of any loan or mortgage or trust made to or held by or for said company, or in which it is interested; and to receive and take in satisfaction of any loan or debt any real or personal estate, and to hold, use, improve and convey the same.

Management
and direction.

§ 7. The affairs of the company shall be managed by a board of managers, at least three in number. After the first election, as is herein provided, the board of managers shall be elected by the stockholders, at such times and places, and in such manner as shall be established by the by-laws of said company. The board of managers of said company shall be elected annually, but any failure or omission to elect a board of managers shall in nowise impair or affect the rights or interests of stockholders or others interested.

Annual meet-
ings of stock-
holders.

§ 8. There shall be a meeting of the stockholders at the office of the company, in Chicago, on the second Wednesday of May of each and every year. Six stockholders representing, either by ownership or proxy, one-half of the capital stock of the company, shall constitute a quorum for the transaction of business.

Contracts, etc.,
binding with-
out seal of
company.

§ 9. Contracts and instruments to which said company may be a party, shall be valid and binding with or without the seal of said company attached.

Loans.

§ 10. No loan shall be made to any stockholder on pledge of his or her shares in the said capital.

By-laws, etc.

§ 11. The board of managers shall have the right to form by-laws for the appointment of other officers, agents, employees and others necessary for the service of the company, and for regulating their own proceedings and the operations of the company: *Provided*, that they shall contain nothing inconsistent with this act or the laws of this state.

Stockholders'
responsibilities
and liabilities.

§ 12. The stockholders herein shall be responsible in their individual property in double the amount of their stock, to make good all losses to depositors or others, and no assignment of their stock shall release them from said liability, until after the fact of such assignment and name of the person to whom made and the amount of said stock shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located for the period of three months.

Time of organi-
zation limited.

This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any law hereafter passed on the subject of banking, trust or deposit companies.

§ 13. This act shall be a public act, and take effect from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Ottawa Savings Bank.

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederick A. Sherwood, Richard Thorne, Edwin R. Fay, Alson Ward, John P. Anthony, John F. McKinley, and Edward L. Herrick and their associates and successors and assigns, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Ottawa Savings Bank," and shall have succession and a common seal, which they may alter at pleasure, with the power to sue and be sued, to plead and be impleaded, to appoint all necessary officers, servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a general savings bank.

Name and style.

Powers.

§ 2. The capital stock of said company shall be fifty thousand dollars, with liberty to increase the same to two hundred thousand dollars, to be subscribed and paid for in the manner which may be prescribed by the by-laws to be adopted by said company, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of the said company in such manner as its by-laws may prescribe.

Capital stock.

§ 3. Any three of the corporators herein named may proceed to open books for the subscription to the capital stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of trustees of said company by parties subscribing to the stock thereof, and each share of the stock so subscribed for shall be entitled to one vote, but no election of trustees shall take place until the fifty thousand dollars original capital stock is all subscribed for.

Stock subscrip-
tion.

§ 4. The affairs of this company shall be managed by a board of trustees, of at least five, who shall be stockholders in the company, and after the first election as herein provided, the trustees shall be elected by the stockholders at such time and place and in such manner as shall be established by the by-laws of said company. The trustees of said company shall be elected annually, but any failure or omission to elect trustees shall in nowise impair or affect the rights and powers of the trustees holding over or the rights or interests of the stockholders, depositors or any others interested. The trustees shall elect a president, vice-president and a cashier from their body annually, and make and execute such by-laws as may be necessary and convenient for the proper prosecution of its business, not inconsistent with this act or with the laws of this state or of the United States.

Management
and direction
of affairs.

Business and objects. § 5. The general business and objects of the corporation hereby created, shall be and it is hereby authorized to receive on deposit such sums of money as may be from time to time offered therefor, which shall be repaid to each depositor when required, at such time and on such notice, and with such interest and under such regulations as the board of trustees shall from time to time prescribe, and to safely loan and invest the same, and to do and transact such other business as shall appertain thereto, and to receiving, safely keeping and investing money and all valuable securities and property.

Possession of real estate. § 6. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business and to take and hold any real estate in trust or otherwise as security for or in payment of loans and debts due or to become due to the said company; to purchase real estate at any sale made in virtue of any loan, debt or mortgage made to or held by the said company; and to receive and take in satisfaction of any such loan or debt any real estate, and to hold and convey the same.

Dividends. § 7. The board of trustees shall have the power to declare dividends on the stock of the said company from time to time, provided that in no case shall the amount of any dividend to be paid over to any stockholder on his or their stock until the full amount per share has been paid in to the said company.

Increase of capital stock. § 8. At any time after the full payment of the original capital of fifty thousand dollars into the company, as heretofore provided, the board of trustees may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper, and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock provided in this act.

Deposits of minors and married women. § 9. When any deposit is made by any person being a minor, or by a married woman, or a female thereafter becoming a married woman, in their own name, the said corporation may pay to each depositor such sums as may be due to him or her, and the receipt or acquittance of such minor or married woman shall be a legal discharge to said corporation therefor.

Exclusive business. § 10. This corporation shall not engage in any general or commercial, banking or exchange business, and shall confine its business exclusively to the receipt and care of savings and trust funds; whenever default shall be made in the payment of any debt or liability contracted by this corporation the stockholders shall be individually liable, *pro rata*, according to the shares of stock severally held by them, and such liability shall continue until six months after the assignment of the stock and publication of a notice thereof

Stockholders' liabilities.

in the newspaper publishing the letter list of the place where the office of the association is located. This act shall be subject to any general law that may hereafter be passed relating to savings banks or institutions of a similar nature: *And it is hereby provided*, that in case said corporation shall not commence and continue business within two years from the passage of this act, the franchises and privileges herein granted shall be forfeited. Act subject to general laws, etc.

§ 11. This act shall take effect and be in force from and after its passage. Forfeiture.

APPROVED March 7, 1867.

AN ACT to incorporate the Madison County Land and Loan Company. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Larkin C. Keown, Charles W. Dimmock, senior, and Andrew W. Metcalf, and their associates, heirs and assigns, and all such persons as shall become stockholders in the corporation hereby created, and their successors shall be a body politic and corporate, by the name and style of "The Madison County Land and Loan Company," shall have a common seal, may sue and be sued, make contracts and have and exercise all the powers and privileges and be subject to all the liabilities of a body corporate and politic, and shall be located at Edwardsville, Illinois. Name and style.

§ 2. The capital stock of said company shall be one hundred thousand dollars and shall be subscribed and paid for in the manner prescribed by the by-laws; it shall be divided into shares of one hundred dollars each, to be deemed personal property, and transferable as such on the books of the company, in such manner as the by-laws may prescribe. The capital stock may be increased from time to time to an amount not exceeding five hundred thousand dollars. Each share of stock shall entitle the holder thereof to one vote for the purpose of increasing the capital stock. Powers.

§ 3. The said corporation shall have power to borrow money and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans, and in computation of time thirty (30) days shall be a month, and twelve (12) months a year, and to make such loan payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds Capital stock.

Increase of.

Business and operations.

of trust, mortgages or other securities, either within or without this state, and may buy and sell negotiable paper or other securities; may open and establish a real estate agency; may purchase and sell real estate, and shall have power to convey the same in any mode prescribed by the by-laws of such corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by order of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with the depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations not however to circulate as money, and may secure the payment of any loans made to said company in any way the directors may prescribe.

Subscriptions of
minors and
married wo-
men.

§ 4. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their order and disposal only.

Purchase and
possession of
real estate.

§ 5. It may be lawful for the company to purchase and hold such real estate as may be convenient and useful for the transaction of its business, and also to take and hold any real estate, in trust or otherwise, as security for or in payment of loans and debts due and to become due to said company; to bid for and purchase real estate at any sale, whether made in virtue or on account of any loan, or mortgage, or trust made to or held by or for said company, or in which it is interested or otherwise, and to receive in satisfaction of any loan or debt any real or personal estate, and to hold, use, lease and convey the same.

Directors.

Term of office.

Officers and
agents.

By-laws, rules,
etc.

Manner of pay-
ing install-
ments, etc.

§ 6. The affairs of the company shall be managed by a board of directors, at least three in number, who shall hold their offices for one year, and until their successors are elected and qualified. The directors shall have power to appoint their officers and agents and prescribe their duties, and they may fill vacancies that may occur in the board of directors. The directors shall have power and authority to make by-laws, rules and regulations for the government and well ordering of the business affairs and officers of said company. They shall have the right and power to determine the time and manner in which installments upon capital stock shall be paid and may declare forfeited any share or shares of stock on which remains due and unpaid any such installment for the period of thirty days, together with all sums paid thereon, or at their option, may sue for and recover the entire amount of subscription remaining unpaid.

§ 7. The stockholders herein shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others, and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made and the amount of said stock shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located for the period of three months.

Stockholders' liabilities, etc

§ 8. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any law hereafter passed on the subject of banking, trust or deposit companies.

Limited time of organization.

Subject to general laws, etc.

§ 9. This act shall be deemed and taken to be a public act, and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the DeWitt County Loan and Trust Company. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John Warner, Henry Magill, Samuel Magill, Robert Magill, and their associates and successors, and such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The DeWitt County Loan and Trust Company," to be located in the city of Clinton, county of DeWitt, Illinois, and shall have succession, a common seal, with power to sue and be sued, to plead and be impleaded, contract and be contracted with, to appoint all necessary officers, servants and assistants, and may have, enjoy and exercise all powers necessary to carry out and execute the powers and intents of a banking and loan company.

Corporators.

Name and style

Corporate powers.

§ 2. The capital of said corporation shall be fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner hereafter provided, and shall be divided into shares of one hundred dollars, which shall be deemed personal property, and shall be subscribed on the books of said company in such manner as its by-laws may prescribe.

Capital stock.

§ 3. The said corporation shall have power to borrow money and receive money on deposit, and to loan the said money at any rate of interest not exceeding that now or hereafter by law allowed to individuals, and to discount in accordance with bank usage; and in the computation of time thirty days shall constitute one month, and twelve

Business and operations.

months one year; and to take such security, real and personal, as the directors or managers of said company shall deem sufficient, and may buy and sell exchange, bills, notes, bonds or other securities, may have and hold coin and bullion, and buy and sell the same; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it, by any person, persons or corporation, or by the order and direction of any court or tribunal, or other legally constituted authority of the state of Illinois, or of the United States; may make such special regulations in reference to trust funds as shall best aid such depositors or parties interested; may grant and purchase annuities, issue letters of credit, certificates of deposit, and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes, or other evidences of debt, designed to be circulated as money. This corporation shall not take on deposit any savings or trust funds, or in any way engage in a savings bank business.

Purchase and possession of real estate.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust, or otherwise, as security for the payment of loans and debts, due or to become due to said corporation or others; to purchase real estate at any sale made in virtue, or on account of any loan, debt or mortgage, or trust, made to or held by said corporation, and to receive and take in satisfaction of any loan or debt, any real estate, and hold and convey the same; and to acquire, hold, possess and use and enjoy the same, to sell, lease, convey and dispose of all such real estate and personal property as it may deem necessary for the use of said corporation, or as may be deemed by the directors proper and necessary to carry on the business, and accomplish the objects of the corporation or the promotion of its interests.

Management and direction.

§ 5. The affairs of this company shall be managed by a board of directors of at least five in number, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in the corporation. The election of said directors shall be had by the stockholders, when thirty thousand dollars shall have been subscribed to the capital stock of said corporation, and ten per cent. paid thereon; and three of the corporators herein named shall be commissioners to open books for subscription.

Election of directors.

§ 6. The election of directors shall be held annually at the office of the corporation, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine; every election for directors shall be by ballot, and the number of shares owned by each stockholder shall be indorsed on the ballot by the person or persons who may receive the same; and a plu-

ality of votes shall elect; every stockholder shall be entitled to one vote for every share of stock standing in his or their name on the books of the corporation; and he or they may vote in person or by proxy. Any omission or failure to elect directors shall not in anywise impair the rights of stockholders, depositors or others interested, and the directors in office shall hold over until their successors shall have been elected.

§ 7. Within sixty days after the election of the first board of directors, as provided in section five of this act, the board of directors shall call in an additional sum of ten dollars per share on each share of said stock, to be paid at such time and place as the directors shall appoint, on due notice to said subscribers. The shares of every stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of five dollars per share on the amount subscribed, as provided in the foregoing section, the corporation shall be considered fully organized, and after the payment of fifteen dollars per share on the whole number of five hundred shares of the capital stock of the corporation, they may commence business, in the full enjoyment of the privileges of this charter, at such place in the said city as the said directors may designate.

Calls for stock shares.

Forfeited shares.

Organization.

§ 8. The board of directors shall have power to call for the payment of the balance due on the subscription to the stock of the corporation at such time as they may deem proper; and in the event of the non-payment of the balance due by any stockholder on his stock, within sixty days after due notice, it shall be lawful for the directors, at their option, to enforce such payment, or to sell at public auction, to the best advantage the amount of stock standing in the name of the said non-paying stockholder, who shall thereupon cease to be a stockholder in the corporation, and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges and profits accruing on account of the said shares of stock, and become liable for the payment of all calls then due or thereafter made on such shares of stock.

Calls for payment of balance due on subscriptions.

Enforcement of payment of.

§ 9. The board of directors shall have power to declare dividends on the stock of the said corporation, from time to time, after the accumulation of the profits of said corporation shall exceed five per cent. on the amount of capital stock actually paid in: *Provided*, said dividend shall not reduce the surplus of profits of the corporation below five per cent. on the amount of capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder on his or their stock until the amount of twenty-five dollars has been paid into said corporation.

Dividends.

Proviso.

§ 10. At any time after the full payment the original capital of fifty thousand dollars into the corporation, as hereinbefore provided, the board of directors may increase the

Increase of the capital stock.

Subscription to increase.	capital stock of the corporation to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as may be deemed proper, and such increase shall be liable and subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock, <i>pro rata</i> , within such time as the directors may limit, of which due notice is to be given.
Time of holding real estate.	§ 11. That any real estate, acquired in fee, by this corporation, either by purchase, or in payment or satisfaction of any loan or debt, and not held in trust or security by other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than ten years, and shall within that time be sold and conveyed, either at public or private sale, so as to divest the corporation of the title to and fee in the same.
Existence of corporation.	§ 12. The corporation hereby created shall exist for the term of twenty-five years from the passage of this act. The stockholders herein shall be responsible in their individual property in double the amount of their stock to make good all losses to depositors others; and no assignment of their stock shall release them from said liability until after the fact of such assignment, and the name of the person to whom made, and the amount of said stock shall have been advertised in some public newspaper, printed in the county where this corporation is doing business and located, for the period of three months. This act shall be void unless
Stockholders' liabilities.	said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any law hereafter passed on the subject of banking, trust or deposit companies.
Limit of time of organization.	§ 13. This act shall take effect and be in force and from and after its passage, and shall be a public act.
	APPROVED March 8, 1867.

In force March 9, 1867. AN ACT to incorporate the National Loan and Trust Company of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That L. Brentano, E. S. Solomon, A. F. Stevenson, G. Stevenson, A. Lobeck, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The National Loan and Trust Company of Chicago," with all the powers incident, necessary and useful to corpo-*

Corporators.

Name and style

rations; and as such are authorized to exercise all the powers requisite to carry out and execute all the purposes and intents of this act; shall have perpetual succession, and a common seal, which they may change and alter at pleasure, and sue and be sued, implead and be impleaded: *Provided*, this company shall organize within two years.

Powers.

§ 2. A majority of the corporators hereby named may proceed to open books for subscription to the capital stock of said corporation, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by persons subscribing to the capital stock thereof; and each share of the capital stock so subscribed for shall be entitled to one vote.

Stock subscription.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to five hundred thousand dollars; to be subscribed and paid for in the manner prescribed by the by-laws, to be framed by said corporation, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferred on the books of said corporation in such manner as its by-laws may prescribe; and each stockholder shall be liable to double the amount of stock held or owned by him, and for three months after giving notice of transfers, as hereinafter mentioned.

Capital stock.

Stockholders' liabilities.

§ 4. The said corporation shall have power to borrow money and receive money on deposit, and to loan money within or without this state, at any rate of interest, not exceeding that now or hereafter allowed by law to individuals; and to discount according to the usage of banks; to make such loans payable within or without the state, and to take such securities therefor, real or personal, or both, as the directors of the corporation may deem sufficient, and may secure the payment of such loans by mortgage or other securities, either within or without the state, and may buy and sell bills, notes, bonds, exchange or other securities; may have and hold bullion and coin; may accept all trusts, either fiduciary or otherwise, as may be committed to their care by any person or persons, or by any court or tribunal; may make such special arrangements in reference to trust funds or special deposits, left for safe keeping, as may be agreed upon with the depositors or parties interested; and may issue letters of credit, or other commercial obligations: *Provided*, such obligations be not in the form of bank notes for general circulation.

Business and operations.

§ 5. It shall be lawful for the corporation hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust or otherwise, as security for and in payment of loans, or for debts due or to become due to said corporation; to purchase real estate at any sale made in virtue or on account of any loan or mortgage, or

Possession of real estate and property.

trust, made to or held by or for said corporation, or in which it is interested; and to receive or take in satisfaction of any loan or debt and to hold and improve and convey the same.

Directors. § 6. The affairs of the corporation shall be managed by a board of not less than three directors, who shall be elected at such time and place as may be prescribed by the by-laws; and shall hold their office for one year, and until their successors are elected and qualified.

By-laws. § 7. The directors shall have power to form by-laws for the management and control of the affairs of the corporation, not inconsistent with the laws of this state and the United States; and to declare dividends out of the earnings of said corporation, whenever any transfer of stock is made; it shall be necessary to give notice of such transfer of such stock, which notice shall be published in a newspaper in the city of Chicago, Illinois, showing the amount of such stock so transferred, and the person to whom it is transferred.

Dividends.
Transfer of stock. § 8. This act shall be a public act, and shall be in force from and after its passage, and be subject to all general laws concerning banks or savings, loan and trust companies.

APPROVED March 9, 1867.

In force March 7, 1867. AN ACT to incorporate The International Mutual Exchange and Investment Company.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Elisha Wadsworth, Horace F. Waite, L. P. Hilliard, Van H. Higgins, Andrew Brown, Charles L. Wilson, and all others who may become associated with them as subscribers agreeing to take and pay for one or more shares in either class or grade of the common stock of the capital of the company hereby created, their successors and assigns forever, be and they are created and made a body politic and corporate, by the name and style of "The International Mutual Exchange and Investment Company," and by that name shall be and are hereby empowered to buy and issue and sell bills of exchange, commercial or bank credits, gold and silver coins, bullion, public stocks or other merchantable securities; to open and keep current drawing accounts and mutual credits with its bank or commercial correspondents and also with any of its own stockholders; to purchase, have, hold, possess, and enjoy by themselves, successors or assigns, such lands, tenements, hereditaments, goods, chat-

Name and style

Business powers.

tels, values and effects of every kind, needful to conduct the business of the said company; and all or any of the values last above named, to use, sell, assign, or dispose of for the best interests of the corporation hereby created; they may, in their corporate name, sue and be sued, plead and be impleaded in all courts of law and equity; may have and use a common seal, and the same to change, alter, or renew at pleasure, and all contracts of this corporation shall be valid, with or without the seal of the company. The head office of the said company shall be in the city of Chicago in the state of Illinois, and it may establish branches and agencies or appoint an agent wheresoever the business of the company may require, and again, the same at pleasure to abolish or revoke.

Head of office.

Branches and agencies:

Object and purposes.

§ 2. The chief objects and purposes of the said company are declared to be to undertake to establish and to establish and maintain, as far as may be practicable, useful and profitable a system of international and domestic exchange, commercial and bank credits; and to invest and to re-invest its surplus funds, not required for exchange and credits, in none other but merchantable and quick convertible securities; and to advance the objects and purposes aforesaid, to encourage the purchase of shares in the capital stock of the said company by dealers in exchange throughout the United States and in other countries; and establish such branches and agencies of the said company and in any place to appoint such special or general agent or agents or officers of said company as may be deemed expedient and define their duties and powers, and fix the compensation, and any of them to remove at pleasure; and through such agencies and through the correspondents of the association in foreign countries, to diffuse such statistics as to the facilities for the profitable employment of capital, acquirement of homesteads and remuneration for labor in the western states and territories of the United States, as may be deemed most beneficial to persons residing abroad, but intending to seek permanent homes in this country.

§ 3. To carry out the objects and purposes hereinbefore expressed and to facilitate the business of said company it may establish branches and agents and agencies in all places wheresoever useful for the transaction of its affairs or dealings and abolish or revoke any one or more thereof at pleasure.

Establishment of branches and agents.

§ 4. The capital stock of said company may be acquired by issue and sales of certificates of shares therein, in such uniform amounts for share and with such class or grades of preference as to a share or shares in the dividends of the net profits of the said company, and with such terms and conditions as to the retirement or extinguishment of any such share or shares as the said company, or a majority of them, may deem proper to ordain, fix or establish. The

Capital stock.

total amount of said capital outstanding at any one time may be to the extent of five hundred thousand dollars. None of said shares shall be sold less than their par value.

Control and
management
of affairs.

§ 5. The business and affairs of said corporation shall be under the control and general management of a board of not less than nine directors. The first board of directors shall be elected by the corporators aforesaid, or such of them as may act, together with such other persons as may become associated with them as subscribers to the stock of said company; and thereafter the said directors shall be elected by ballot, by and from the stockholders of said company. They shall hold their office for the term of three years, and until others shall be elected or chosen to fill their places. In case of a vacancy by death, resignation or otherwise, the remaining directors may fill such vacancy by appointment, until the next regular election; a majority of said directors shall always be residents of the state of Illinois. The said board of directors shall have power to ordain and put in execution such by-laws and regulations as they may deem proper for the well ordering and government of said corporation: *Provided*, they be not repugnant to the laws of the United States or of this state, or to the provisions of this act of incorporation. They shall have power to appoint all such officers and agents as they may think desirable; and to fix their salaries, compensation, duties and terms of office. They shall require the officers in charge of the head office of said company to make out an annual report of the resources and liabilities, receipts and expenses, business and losses of the company, to be verified by affidavit, of which report each stockholder shall be entitled to a copy, on application at the office of the company.

Organization.

§ 6. At any time within five years from and after the passage of this act, the said corporators or such of them as may act, shall proceed to organize the company by the election of the first board of directors, and open books for subscription for the capital stock of said company; and subscribers therefor may be required to pay for the stock so subscribed for by them, in installments as may be ordered by said board of directors, and they may and shall forfeit for the use of the company all installments and payments that may have been made by them thereon, upon failure to make due and punctual payment of any installment that may be called for or ordered by said directors.

Vote of stock-
holders.

§ 7. At all elections for directors the stockholders shall be entitled to one vote, by themselves or proxy, for each share of common stock held and owned by them respectively.

Stock shares.

§ 8. Shares in the capital stock shall be transferable only on the books of said corporation, according to the rules and regulations of the company.

§ 9. No director or officer of the company shall become liable to it as maker, acceptor or indorser of any note, bill or voucher for the payment of money.

Liabilities of stockholders.

§ 10. Any number of owners of stock in the said company, and representing, as owners, as much as one thousand dollars of the said capital stock, may, on request, after the close of business hours have reasonable inspection of the books, vouchers and values of the said company.

§ 11. After the company has been organized for two years, their offices in charge of the head office shall make semi-annual statements of the expense, loss and profits of the company, of the disposition of its funds, and the same to verify by affidavit, and a copy of such statement to prepay sufficient postage thereon, address and mail to the registered address of each owner of shares in the said capital stock.

Semi-annual statements.

§ 12. It shall be lawful for the directors to guarantee and pay from the net profits of the company's business preferred dividends.

Dividends.

§ 13. There shall be a meeting of the stockholders at the office of the company in Chicago on the third Wednesday of May of each and every year. Six stockholders, representing, either by ownership or proxy, one-half of the capital stock of the company, shall constitute a quorum for transacting business.

Meetings of stockholders

Quorum.

§ 14. The company shall not at any time issue, or sell its own bills of exchange, drafts or letters of credits for any larger amount in the aggregate, than the total amount of its unimpaired, paid up capital, except as to mutual credits opened between the said company and bankers or brokers or commercial houses domiciled in foreign countries or other states, and except upon good and merchantable security lodged or pledged in favor of said company.

Sale of drafts, bills, etc.

§ 15. Nothing herein shall be construed to authorize the business of general banking.

Banking business not authorized.

§ 16. This act shall be deemed and taken to be a public act, and to take effect from and after its passage.

Public act.

§ 17. The stockholders of said company shall be personally liable in double the amount of stock held by them, respectively, to make good to depositors or others any losses sustained by them, which liability shall continue for six months after the transfer of any share of stock shall have been published in a newspaper published in the county where said corporation is doing business, showing the amount of stock so assigned, the person to whom assigned. This act shall be subject to any general law hereafter passed on the subject of banking or banks. Unless said corporation shall organize and proceed to business within two years after the passage hereof, this act shall be void.

Liabilities.

Act subject to general bank laws.

APPROVED March 7, 1867.

In force March
8, 1867.

AN ACT to incorporate the Peoria Savings Bank.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John Hamlin, John L. Griswold, Washington Cockle, Thomas C. Moore, Alexander Allison, William A. Henon, Henry T. Baldwin, Robert Arthur Smith, John C. Proctor, Louis Green, Amos O. Bartlett, Alexander McCoy and Horace G. Anderson, and their successors, are hereby constituted a
Name.	body corporate and politic, by the name of "The Peoria Savings Bank," to be located in the city of Peoria, in said state.
Money deposits.	§ 2. That the said corporation shall be authorized to receive deposits of money from any person or persons who may wish to enjoy the advantage of the same, for the purposes and according to the directions herein prescribed.
How used.	§ 3. That all deposits of money received by said corporation, shall be used and improved to the best advantage, and pay such interest thereon as the trustees may from time to time direct to be allowed, and the principal of such deposits may be withdrawn at such times and in such manner as the said corporation may direct and prescribe; and it shall be the duty of the board of trustees of said institution to regulate the rate of interest to be allowed to depositors, so that they shall receive a ratable proportion of the profits, after deducting all necessary expenses in the management of the business of said corporation. The rate of interest to be allowed to depositors, to the amount of five hundred dollars (\$500) and upwards, shall be at least one per cent. per annum less than the interest allowed others.
Rates of interest.	§ 4. That the business and property of said corporation shall be managed by a board of trustees, thirteen in number, who shall at their first meeting, and as often as it may be necessary, elected by ballot, from their number, a president, vice-president and cashier. The several persons named in the first section of this act shall be the first trustees, and all vacancies in said board, caused by death, resignation, removal or failure to act for the space of six months, shall be filled at the next regular meeting thereof after such vacancy shall arise, and the person receiving a majority of the votes of the trustees present, shall be duly elected.
Management of business and property.	Five trustees, of whom the president, vice president or cashier shall be one, shall constitute a quorum for the transaction of all ordinary business. The trustees or managers of said corporation, as such, shall not receive any pay or emolument for their services, but this last provision shall not apply to the cashier or financial officer of said corporation, and the said trustees shall be responsible and liable to depositors for all losses resulting from defalcations by or through officers, agents or employees appointed or employed by said trustees, or for any losses resulting from

neglect of said trustees in attending to their duties as such, as provided in the by-laws; and it is further expressly provided that said corporation shall not carry on a general or commercial banking or exchange business.

§ 5. That said corporation may have a common seal, which they may change or renew at pleasure; and that all deeds, conveyances, or grants, covenants and agreements, made by their president, vice-president or cashier, by their authority and direction, according to their instructions, shall be good and valid; and said corporation shall at all times have power to sue, and may be sued, to plead and be impleaded, and defend, and shall be ruled to answer by the name and style of the corporation.

§ 6. It shall be lawful for said corporation to receive and take on investment of moneys under this act such a rate of interest, not exceeding ten (10) per cent. per annum, as may be directed by the board of trustees or managers thereof.

§ 7. That no trustee or officer of said corporation shall directly or indirectly borrow any of the moneys of said corporation, or in any manner use the same, except in the lawful business of said corporation. All certificates or evidences of deposit made by the proper officer or officers, shall be as effectual to bind the corporation, as if made under the common seal thereof. Said corporation are hereby prohibited from issuing any bills or notes to circulate as money.

§ 8. A misnomer of said corporation in any deed, gift or grant or instrument, contract or conveyance, shall not vitiate the same, if the corporation shall be sufficiently described therein to declare the intentions of the parties.

§ 9. The books of said corporation shall at all times during the hours of business be open to the inspection and examination of the auditor of public accounts in this state, and such other person or persons as the legislature shall designate or appoint.

§ 10. That said corporation are hereby authorized to take, hold and convey such real estate in the city and county of Peoria, as may be necessary and convenient for an office, or place for the transaction of business, and such as may be conveyed to said corporation as security or in payment of debts, or purchased by it at sales under judgments or decrees recovered by or belonging to said corporation, and such personal property as may be necessary and convenient for its business.

§ 11. When any deposit is made by any person being a minor, or by a female, being or hereafter becoming a married woman, in her own name, the said corporation may pay to each depositor such sums as may be due to him or her; and the receipt or acquittance of such minor or married woman shall be a legal discharge to said corporation.

County deposi-
tary.

§ 12. It is made the duty of said corporation, when authorized by the court, to receive and hold as depositary, all moneys which may hereafter come to or be paid into either of the courts of Peoria county, sitting either in common law or in chancery, subject at all times to such rules and regulations concerning the management of such moneys as the judges of said courts may from time to time make or prescribe, not inconsistent with the provisions of this act.

Investments in
bonds, stocks,
etc.

§ 13. It shall be lawful for said corporation to invest moneys which they shall receive in any bonds or stocks of the United States, or the state of Illinois, or of the county or city of Peoria, or upon bonds secured by mortgage upon unincumbered real estate in the city or county of Peoria, worth at least double the amount loaned, or upon any other security which shall be deemed by the board of trustees or their finance committee to be amply sufficient; and also to make temporary deposits in any of the banks incorporated by the United States or the state of Illinois, located in the city of Peoria, or in any incorporated bank in the city of New York.

Surplus fund.

§ 14. The said corporation is hereby authorized to accumulate gradually, and hold invested, a surplus fund not exceeding twenty (20) per cent. on the amount of deposits, to the end that in case of reduction in the market price of any of the securities held by said corporation, any loss to depositors by reason of such reduction, may be prevented, and made good by said fund.

Funds liable to
taxation.

The accumulated fund of five per cent., herein provided for, and the real and personal property belonging to said corporation, shall be liable to taxation as other real and personal property, but said corporation shall not be liable to taxation on deposits made therein, or on any security or securities taken for or on any investment or investments of the same.

First meeting of
trustees.

§ 15. The first meeting of the trustees of said corporation shall be held in the city of Peoria at any time within ninety days after the passage of this act, ten days' notice of such meeting by publishing in some newspaper printed in the city of Peoria.

By-laws.

The said corporation are hereby vested with the power of making by-laws for the more orderly management of the business of the same: *Provided*, they are not repugnant to the laws of this state, and the same corporation are hereby expressly prohibited from engaging in a general or commercial banking or exchange business.

§ 16. This act shall take effect from and after its passage, and may be altered, amended or repealed at the pleasure of the legislature of this state.

APPROVED March 8, 1867.

AN ACT to incorporate the Sterling Bank of Sterling, in Whiteside county. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William A. Sanborn, George P. Richmond, John S. Miller, John Sanborn, William H. Whipple, A. J. Mattson, Samuel S. Patterson and James M. Wallace, and their associates and successors, and such other persons as may become stockholders in the association, are hereby created and declared and constituted, a body corporate and politic, by the name and style of "The Sterling Bank" of Sterling, Whiteside county, and shall have a perpetual succession, a common seal, power to plead and be impleaded, to appoint all necessary servants, and exercise all the powers necessary to carry out and execute the purposes and intent of this act.

§ 2. The capital stock shall be fifty thousand dollars, with power to increase the same to five hundred thousand dollars; and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said company, in such manner as its by-laws may prescribe. The corporators or a majority of them, may open books for the subscription of stock, at such time and place as they may appoint; and when the sum of fifty thousand dollars is subscribed, and one-half of the same paid in, the said corporators, or a majority of them, shall give notice to the stockholders of a time and place for a meeting to elect directors and organize said corporation; which, said notice shall be given at least ten days previous to such meeting, in some newspaper published in Whiteside county. The stockholders may elect five directors, who shall be stockholders, and shall hold their offices for one year, or until their successors are elected and qualified. When elected the directors shall elect a president from their own body annually, shall appoint the necessary officers and agents for the corporation; and shall make such by-laws to control the business of the corporation, as its interests may require.

§ 3. The said corporation shall have power to borrow money, or receive money on deposit, and to loan the said money at any rate of interest not exceeding that now allowed by law to individuals, (or to discount in accordance with bank usages; and in the computation of time, thirty days shall be a month, and twelve months a year,) taking such security therefor, real or personal, as the directors of said corporation shall deem sufficient; may buy and sell exchange bills, notes, bonds or other securities; may have and hold coin and bullion; may grant and purchase annuities, issue letters of credit, and other commercial obligations; *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt, designed to circulate as money.

May " purchase
and hold real
estate.

§ 4. The said corporation shall have power to purchase and hold all such real and personal estates as may be required for the transaction of their business; to hold real estate as security for and in payment of loans and debts due, or to become due to said corporation; and to purchase any real or personal estate at any sale; to enforce its securities or the payment of debts due, of mortgages or deeds of trust, and hold said property, or to sell and convey the same or any part thereof, at such a price and under such conditions as the board of directors may direct.

Dividends.

§ 5. The board of directors shall have power to declare dividends on the stock of said corporation from time to time, and at any time after the accumulation of profits of said corporation shall exceed five per cent. on the amount of capital actually paid in: *Provided*, said dividends do not reduce the surplus of profits of said corporation below ten per cent. on the amount of capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder, on his or their stock, until the amount of fifty dollars per share has been paid in to the said corporation.

Proviso.

Calls for pay-
ment of stock.

§ 6. The board of directors shall have power to call for the payment of the balance due on the subscriptions to the stock of this corporation, at such times as they may deem proper; and, in the event of the non-payment of the balance due by any stockholder on his stock, within sixty days after due notice, the board of directors may at their option, enforce the payment of such balance due, or sell by public auction to the best advantage, the amount of stock standing in the name of said non-paying stockholder to any person or persons, and the proceeds of such sale, after deducting the costs and expenses thereof, shall be paid over to such non-paying stockholder, who shall thereupon cease to be a stockholder in this corporation, and the purchaser or purchasers of said shares of stock, shall have and enjoy all the privileges and profits accruing or accrued to the said shares of stock, and shall become liable for the payment of all calls then due, or thereafter made, on said shares of stock.

Enforcement of
Auction sale of
assignment
shares.

Disposition of
proceeds of.

Privileges of
purchasers of

Stockholders
liabilities.

§ 7. The stockholders shall be responsible in their individual property, in double the amount of their stock, to make good all losses to depositors or others, and no assignment of their stock shall release them from said liability until after the fact of such assignment, and name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper printed in the county where this corporation is doing business, and located for the period of three months. Said company shall be subject to any general law of this state on the subject of banks or banking. This act shall be void unless said company shall organize and proceed to business, within two years after the passage hereof.

Company sub-
ject to general
banking laws.

Time of organ-
ization limited.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to incorporate the Farmers' Exchange and Loan Company.

In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John A. Prickett, F. T. Kraft and John H. Yager, and their associates and successors, and all such persons as shall become lawfully stockholders in the company hereby created, shall become a body politic and corporate, by the name and style of "The Farmers' Exchange and Loan Company," and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary officers, servants and assistants, and may have and enjoy and exercise all the powers necessary to carry out the purposes of this act, and the office of the company so created shall be located in Madison county, Illinois.

Corporators.

Name and style.

Powers of corporation.

§ 2. A majority of the corporators hereby named may proceed to open books for subscriptions to the capital stock of said company, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said company, by persons subscribing to the capital stock thereof; and each share of capital stock so subscribed for shall be entitled to one vote.

Stock subscriptions.

§ 3. The capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws, to be framed by said company, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferred on the books of said company, in such manner as its by-laws may prescribe.

Capital stock.

§ 4. The said company shall have power to borrow money and receive money on deposit, and to loan money, within or without the state, at any rate of interest, not exceeding that now or hereafter allowed by law to private individuals, and to discount, according to the usages of banks, (and in computation of time thirty days shall be a month and twelve months a year,) and to make such loans payable, either within or without the state, and to take such securities therefor, real or personal, or both, as the directors of the company may deem sufficient, and may secure the payments of such loans by deeds of trusts, mortgages, or other securities, either within or without the state, and may buy and sell bills, notes, exchange, bonds or other securities; may have or

Business and operations.

hold bullion and coin, may accept all such trusts, either fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal; may make such special regulations in reference to trust funds or special deposits left for safe keeping as shall be agreed upon with the depositors or parties interested; may issue letters of credit and other commercial obligations.

Possession
property. of

§ 5. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for, or in payment of loans or for debts due or to become due to said company; to purchase real estate made in virtue or on account of any loan, mortgage or trust made to or held by or for said company, or in which it is interested, and to receive or take in satisfaction of any loan or debt, and to hold, use, improve and convey the same.

Directors.

§ 6. The affairs of said company shall be managed by a board of not less than three directors, who shall be elected at such time and place as may be prescribed by the by-laws, and shall hold their office for one year and until their successors are elected and qualified.

By-laws.

§ 7. The directors shall have a right to form by-laws for the general management and control of the affairs of the company, not inconsistent with the laws of this state or the United States, and to declare dividends out of the earnings of said company.

Responsibility
of stockholders

§ 8. The stockholders herein mentioned shall be responsible in their individual property in double the amount of their stock to make good all losses to depositors or others, and no assignment of their stock shall release them from such liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located for the period of three months.

Time of organi-
zation.

§ 9. This act shall be void unless said company shall organize and proceed to business within two years of the passage hereof.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to incorporate the Marion County Trust and Loan Company. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Cunningham, George W. Pace, Benjamin F. Marshall, Henry C. Moore, James S. Martin, David P. Snelling, Daniel K. Green, and Benjamin Lydick, and their associates and successors and such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Marion County Trust and Loan Company," to be located in the city of Salem, Marion county, Illinois; and shall have succession, a common seal, with power to sue and be sued, to plead and be impleaded, contract and be contracted with, to appoint all necessary officers, servants and assistants, and may have, enjoy and exercise all powers necessary to carry out and execute the powers and interests of a trust, deposit and loan company.

§ 2. The capital of the said corporation shall be fifty thousand dollars, with liberty to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of one hundred dollars, which shall be deemed personal property, and shall be subscribed on the books of said company in such manner as its by-laws may prescribe.

§ 3. The said corporation shall have power to borrow money and receive money on deposits, and pay interest thereon, and to loan the said money at any rate of interest not exceeding that now or hereafter by law allowed to individuals, and to discount in accordance with bank usage; and in the computation of time thirty days shall constitute one month, and twelve months one year; and to take such security, real and personal, as the directors or managers of said company shall deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion, and buy and sell the same; issue letters of credit, certificates of deposit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt designed to be circulated as money.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or payment of loans and debts due or to become due to the said corporation or others; to purchase real estate at any sale made in virtue or on account of any loan, debt or mortgage or trust made to or held by said corporation; and to receive and take in satisfaction of any loan or debt, any real estate and hold and convey the same; and to acquire,

hold, possess and use and convey the same; to sell, lease, convey and dispose of all such real estate and personal property as it may deem necessary for the use by said corporation, or as may be deemed by the directors proper and necessary to carry on the business and accomplish the object of the corporation or for the promotion of its interests.

Directors.

§ 5. The affairs of this company shall be managed by a board of directors, of at least five in number, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in the corporation. The election of said directors shall be held by the stockholders when thirty thousand dollars shall have been subscribed to the capital stock of said corporation and ten per cent. paid thereon, and three of the corporators herein named shall be commissioners to open books for subscription.

Election.

Elections, when held, etc.

§ 6. The election of directors shall be held annually at the office of the corporation, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot, and the number of shares owned by each stockholder shall be indorsed on the ballot by the person or persons who may receive the same, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of stock standing in his or their name on the books of the corporation, and he or they may vote in person or by proxy. Any omission or failure to elect directors shall not in anywise impair the rights of stockholders, depositors or others interested, and the directors in office shall hold over until their successors shall have been elected.

Stock to be called in.

§ 7. Within sixty days after the election of the first board of directors as provided in section five of this act, the board of directors shall call in an additional sum of ten dollars per share on each share of said stock, to be paid at such time and place as the directors shall appoint on due notice to said subscribers. The shares of every stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of five dollars per share on the amount subscribed, as provided in the foregoing section, the corporation shall be fully organized; and after the payment of fifteen dollars per share on the whole number of five hundred shares of the capital stock of the corporation, they may commence business in the full enjoyment of the privileges of this charter, at such place in the said as the said directors may designate.

Balance of stock to be called in.

§ 8. The board of directors shall have power to call for the payment of the balance due on the subscription to the stock of the corporation at such time as they may deem proper, and in the event of the non-payment of the balance due by any stockholder on his stock within sixty days after

due notice, it shall be lawful for the directors, at their option, to enforce such payment, or to sell at public auction to the best advantage the amount of stock standing in the name of said non-paying stockholder, who shall thereupon cease to be a stockholder in the corporation; and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges and profits accruing on account to the said shares of stock and become liable for the payment of all calls then due or thereafter made on such shares of stock.

§ 9. The board of directors shall have power to declare dividends on the stock of the said corporation, from time to time, after the accumulation of the profits of said corporation shall exceed five per cent. on the amount of capital actually paid in; *Provided*, said dividends shall not reduce the surplus of profits of the corporation below five per cent. on the amount of capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder on his or their stock, until the amount of twenty-five dollars has been paid into said corporation.

Board to declare dividends.

§ 10. At any time after the full payment of the original capital of fifty thousand dollars into the corporation, as hereinbefore provided, the board of directors may increase the capital stock of the corporation to the amount limited, or any part thereof, in shares of one hundred dollars each in such manner as may be deemed proper; and such increase shall be liable and subject to all the liabilities, immunities and privileges of the original stock as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the directors may limit, of which due notice is to be given.

Capital stock may be increased.

§ 11. That any real estate acquired in fee by this corporation, either by purchase or in payment or satisfaction of any loan or debt, and not held in trust or security by other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than ten years and shall within that time be sold and conveyed, either at public or private sale, so as to divest the corporation of the title to and in fee in the same.

Real estate to be sold.

§ 12. The corporation hereby created shall exist for the term of twenty-five years from the passage of this act. The stockholders herein shall be responsible in their individual property in double the amount of their stock to make good all losses to depositors or others, and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located for the period of three months. This act shall be void unless

Corporation to exist for twenty-five years.

In what case act to be void.

Company to be subject to further legislation. said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any law hereafter passed on the subject of banking, trust or deposit companies.

§ 13. This act shall take effect and be in force from and after its passage, and shall be a public act.

APPROVED March 8, 1867.

In force April
5, 1867.

AN ACT to incorporate the Illinois Land and Loan Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Cephas Clapp, John C. Bigelow, Levi Kelsey, L. B. Shattuck, Henry C. Reed and Wm. Kelsey Reed, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be from and after the passage of this act, a body politic and corporate, by the name and style of "The Illinois Land and Loan Company," and by that name and style shall be capable of suing and being sued, impleaded, answer or defend in law or equity in all courts or places whatsoever; make and use a common seal, and to alter or renew the same at pleasure, and by their said corporate name and style shall be capable in law of contracting and being contracted with, and shall be and are hereby invested with all the powers, privileges, immunities and franchises of acquiring by purchase or otherwise, and of holding and conveying all real and personal estate which may be needful or convenient for carrying into effect fully the objects and purposes of this act; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever for such purposes, and generally may do every other act or thing to carry into effect the provisions of this act and promote the objects and designs of said company as by this act authorized.

Name and style.

Corporate powers.

Real estate.

Deeds.

§ 2. The said corporation is hereby authorized and empowered to improve in such manner as shall be conformable to the laws of this state, and not contrary to or inconsistent with any of the rights or privileges of the city of Chicago or of any citizen of this or of the United States or other person, such portions of the following described lands and property as said company shall acquire title to, situate in the county of Cook and state of Illinois, to-wit: The east half of the southwest quarter and the west half of the southeast quarter of section twenty-five, in township thirty-nine north, range thirteen east of the third principal meridian, and any other lands and appurtenances which may belong

Rights and privileges.

Boundaries.

Additions.

to said company, by laying the same out into lots, streets, squares, lanes, alleys and other divisions, and by surveying, locating, constructing, altering, maintaining and operating one or more slips or canals, and to connect such slips or canals with the south branch of the Chicago river, or to improve the same in any manner it may deem advisable, in such a way as not to injure the navigation of the said river; and to make, purchase and dispose of bonds and other obligations of indebtedness in the same manner and to the same extent as individuals are or may be authorized to do, and to borrow money upon such terms and at such rates of interest, not exceeding ten per cent. per annum, as the said company may deem proper; to lend any moneys received from rents or other sources, on real, personal or other security at any rate of interest not exceeding that now allowed by law to individuals, and generally to do whatever may be expedient for accumulating and increasing its moneys, funds or other assets for the benefit of said company or other parties, as it may deem advisable.

Alterations.

Bonds.

To borrow money.

Rates.

Security for.

§ 3. The capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time to any sum not exceeding one million dollars, or diminished at pleasure, divided into shares of one hundred dollars each, which shall be deemed personal property and may be issued and transferred in such manner as may be ordered and provided by the board of directors, who shall have power to require the payment of the sums subscribed by stockholders, in such manner and on such terms as they may think proper; and on refusal, neglect or default on the part of the stockholders or any of them, to make payment as, and when required by the board of directors, the said company may sue for and collect the same, or may, after four weeks' notice thereof in some newspaper published in the city of Chicago, sell the shares of such delinquent or delinquents, at public auction, to the best advantage, under such rules as the board may adopt; the surplus money, if any remaining after deducting the payments due, with the interest and costs of sale, to be held by said company payable to the order of such delinquent stockholder or stockholders, or his or their legal representatives.

Capital stock.

Amount.

Limit.

Shares.

Directors.

Stockholders.

Neglect of.

Delinquents.

§ 4. The corporate powers of said company shall be vested in a board of directors, and such officers and agents as such board shall appoint. The board of directors shall consist of not less than five nor more than ten persons, who shall be stockholders in said company, such directors to be chosen annually by ballot, and the name and number of shares owned by each stockholder so voting shall be indorsed on the ballot, each share having one vote, which may be given in person or by proxy; a plurality of votes shall elect; a failure to hold the annual election shall not work a forfeiture of this charter or of any of the rights and

Board of directors.

Manner of election.

Vacancies. How filled.	privileges herein granted, and in all cases the existing board of directors shall continue in office until their successors are elected and qualified; vacancies in the board may be filled at any time by vote of two-thirds of the directors remaining, such directors to continue in office until their successors are elected and qualified. The officers of said board and the officers, agents, servants and employees of said company, whether members of the board of directors or otherwise, may be appointed, employed, paid and dismissed under such rules and regulations, and may be required to enter into such bonds as the board of directors may from time to time adopt and direct; all future elections shall be held at such time and place and in the manner which may be prescribed by the by-laws and regulations of the said company.
Bonds.	
When election shall be had.	§ 5. The election of directors shall be had by the stockholders when fifty thousand dollars shall have been subscribed to the capital stock of said company and five per cent. paid thereon. Any three of the corporators herein named shall be commissioners to open books for subscriptions to the stock of said company and each subscriber shall pay to such commissioners or their agents at the time of such subscription five dollars on each share by him subscribed. The money so received by the commissioners shall be paid over to the directors when elected and qualified. When the sum of fifty thousand dollars shall have been so subscribed, the commissioners so acting or a majority of them shall call a meeting of the stockholders to choose five stockholders as the first board of directors of said company by giving at least two weeks' notice in some newspaper published in the city of Chicago, of the time and place of holding such meeting, and shall attend and act as inspectors of said election at such meeting. They shall certify the result of said election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence in all places of the election of the directors therein named. When the board of directors are so chosen the said company may enter upon, enjoy and continue in the benefits and provisions of this act, exercise the powers herein conferred, and be considered as fully organized. The directors shall appoint one of their number president, and may make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of the company: <i>Provided</i> , the same be not repugnant to the laws of the United States or of this state or to this act.
Commissioners to open books.	
Money.	
How disposed of	
Notice. Time and place.	
Result of election.	
Organization.	
President.	
Proviso	
To borrow money.	§ 6. The said company shall have power to borrow, or obtain on loan, any sums of money and on such terms as they may deem expedient for said company, and issue notes or bonds for the same, secured by mortgage on the property of the company or otherwise. And the directors of
Rates.	
Bonds.	

said company may confer on any bondholder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon, into stock of said company, at any time not exceeding ten years from the date of the bond, under such rules as the board of directors may adopt therefor.

§ 7. This act shall be deemed a public act and shall take effect and be in force from and after its passage.

APPROVED April 5, 1867.

Bonds convertible.

AN ACT to incorporate the Journeymen Plasterers' Benevolent and Protective Association of the City of Springfield, Illinois.

In force February 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* George Butler, James Butler, Peter Moffatt, Joseph Anderson, Jonathan I. Marr, Benjamin F. Munson, Jacob Matler, and William Matler, and their associates, are hereby constituted a body corporate and politic, by the name and style of "The Journeymen Plasterers' Benevolent and Protective Society;" and, by that name shall have perpetual succession; and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and use a common seal, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said corporation as fully and completely as natural persons might or could do.

Name.

Powers.

§ 2. The objects and purposes of said corporation shall be the mutual benefit and protection of its members, to extend relief to them in sickness or infirmity, and to bury deceased members.

Objects and purposes.

§ 3. The officers of said corporation shall be a president, vice president, recording secretary, corresponding secretary and treasurer, who shall be elected semi-annually, and by ballot, at the first regular meeting in the months of January and July in each year.

§ 4. In case of any vacancy of either of said officers, by death, resignation, or otherwise, the association shall have power to fill such vacancy by appointment, by the vote of a majority of the members present at the meeting; and said officer so appointed shall hold the same office until the next semi-annual election of officers.

Officers.

§ 5. Any operative plasterer of good moral character may become a member of said corporation, upon such terms and conditions as may be prescribed by the by-laws of said corporation; and said corporation is hereby authorized to establish and enforce such rules, regulations and by-laws,

Vacancy.

for the management of their business, as they may deem proper, and repeal, alter and amend the same at their pleasure.

May hold real estate.

§ 6. The said corporation may receive, take and hold either by gift, purchase, devise, bequest, or otherwise, any real or personal estate, for the use of and for the advancement of the purposes of said corporation; and may rent, lease, sell, convey or in anywise dispose of the same, according to the by-laws of said corporation: *Provided*, such real and personal property shall not exceed in value twenty-five thousand dollars.

Amount of personal property.

§ 7. This act to take effect from and after its passage.

APPROVED February 21, 1867.

In force Feb. 21, 1867. AN ACT to incorporate the Preachers' Aid Society of the Rock River Conference of the Methodist Episcopal Church.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Luke Hitchcock, Ezra M. Boring, Otis H. Tiffany, William D. Skelton, William F. Stewart, Charles H. Fowler, George J. Bliss, and their associates and successors, are hereby constituted a body corporate and politic, by the name and style of "The Preachers' Aid Society of the Rock River Conference of the Methodist Episcopal Church;" and by such name shall have perpetual succession, with power to contract and be contracted with; to sue and be sued, and to implead and be impleaded; to take and hold, by gift, grant or otherwise, any property real, personal or mixed, and the same to manage, grant, convey, lease or otherwise dispose of; and to execute such trust or trusts as may be confided to said corporation for the promotion of the objects of this incorporation.

Objects.

§ 2. The objects of this corporation are to afford immediate relief to the families of the deceased members of the society, and to increase the disciplinary revenue for the support of the claimants of the said conference.

Officers.

§ 3. Ezra M. Boring shall be president, and William D. Skelton shall be secretary and treasurer; and the said Luke Hitchcock, Otis H. Tiffany, William F. Stewart Charles H. Fowler and George J. Bliss, shall, with the said president and secretary, be the first board of managers of said society, and shall hold their offices until their successors shall be elected at the time and in the manner specified by the constitution of the said society.

§ 4. This act shall take effect and be in force from and after its passage, and may be amended or repealed at any time.

APPROVED February 21, 1867.

AN ACT to incorporate the La Societie Francaise de Secours Mutuels. In force April 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Victor Girardin, president; Bernard Baretti, vice president; Louis Lepitre, treasurer; Henry Marwedel, secretary; Eteenne Brazeau, assistant secretary, and the other members at present belonging to "La Societie Francaise de Secours Mutuels," now existing in the city of Chicago, in this state, and such other persons as may hereafter be admitted members of said association, according to the constitution and by-laws thereof, be and hereby are declared and constituted a body politic and corporate, under the name and style of "La Societie Francaise de Secours Mutuels;" and, hereafter, shall be known by that name and style; and by that name and style to remain in perpetual succession, with power, in and by that name and style, to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or equity in all courts whatsoever, and, if necessary to sign, execute and deliver, by the president and secretary of said association for the time being, under the seal thereof, all arbitration and other bonds, in obtaining the legal rights and advancing the interests of said association; and, also, in and by such name, to acquire, purchase, hold, grant, bargain, sell, alien and convey any property, whether real, personal or mixed; and to loan the moneys and funds of said association, and take promissory notes, bonds, mortgages and other evidences of indebtedness for the moneys or funds so loaned; and to have and use a common seal, and to alter the same at pleasure; and to make and from time to time to alter, as the association may deem proper and expedient, the constitution and by-laws for said association, declaring and containing the times and manner of election for officers of said association, and the number and duties of such officers and such other provisions for the good government, general welfare, improvement and existence of said association, as a majority of the members may determine: *Provided*, such constitution and by-laws shall not be in conflict with the constitution of the United States or of this state or the laws thereof. Said constitution and by-laws, when recorded on the records of said association, shall be in full force; and, on the production and proof of such

records, shall be received in evidence of the facts therein stated in all courts of justice and upon all lawful occasions.

Personal pro-
perty. § 2. The said corporation shall not at any one time hold personal property to a greater amount than _____ dollars, nor real estate to a greater amount than _____ dollars. The personal property belonging to said association shall not be appropriated otherwise than for the benefit of said association, the improvement of the real estate of the association, and such benevolent and other purposes and in such manner as shall be declared, provided for and directed in the constitution and by-laws hereinbefore authorized to be made.

Fees and dues. § 3. The said corporation shall have power to assess such initiation fee and such monthly, quarterly and yearly dues as may be wanted for the purpose of carrying out the objects of said society, and may sue its individual members and collect the same by law.

Objects and
aims. § 4. The object of this association is hereby declared to be to unite the members thereof in a bond of brotherhood and mutual friendship; to minister to their wants in sickness and afford relief in their necessities, and, generally, to ameliorate, by all means within the control of the association, their condition, both moral and physical.

APPROVED February 22, 1867.

In force Feb. 23, 1867. AN ACT to incorporate the Catholic Aid Society of the City of Carlinville, Illinois.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Rev. F. Schreiber, Henry Daley, Michael Hansy, Richard Mangan, Conrad Deity, Peter Flory, Jacob Flory, William Mangan, Julius Van Bergen, John R. Muller, John Dohoney, Michael Boehm, Edward Knatzer, Patrick Mangan, John Deity, jr., John Deity, sen., Anton Deity, Joseph J. Deity, John Mohrmann, Timothy Kelley, Denis Devit, Patrick Connelly, George Arny, George Gangler, Nicholas Schaffer, John F. Tohmas, Adam Flory, Jacob Schaffer, Joseph Christen, Phillip M. Murphy, John Schaffer, Cornelius Lang, John Milbauerr, Joseph Milbauerr, Daniel Forgarty, Frank Schwab, Stephen Schwab, John Mees, Frank Murray, Thomas Ryan, Hugh Colton, Jeremiah Flynn, Anton Milbauerr, Dennis Ryan, Frank Link, Frank Cannon, Peter Schaffer, and all other persons who now are or may hereafter become, and shall so remain, members of "The Catholic Aid Society of the City of Carlinville," from and after the passage of this act, shall be, and they

Name and style.

are hereby constituted a body corporate and politic, by the said name and style of "The Catholic Aid Society of the City of Carlinville;" and by that name shall have perpetual succession; and be capable to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever; and shall have a common seal, and may alter the same at pleasure; shall make a constitution and such by-laws, not repugnant to the constitution and laws of this state or of the United States, as shall from time to time be necessary or proper; and may annex to the breach of such constitution or of any one or more of the by-laws or of any part thereof such penalty, by fine, dismissal or expulsion, as the said corporation may deem fit.

Corporate rights
etc.

§ 2. The funds of this corporation shall be applied to the liquidation of all debts connected with the Catholic church in said city of Carlinville; also for the relief of its members in sickness, and to their interment after death, in the mode which may from time to time be prescribed by the by-laws.

Application of
funds.

§ 3. The constitution and by-laws of this society now in operation shall govern the corporation hereby created until regularly altered or repealed by the society; and the present officers of said society shall be the officers of the corporation hereby created until their respective terms of office shall regularly expire or be sooner vacated: *Provided*, that nothing in such constitution and by-laws contained be inconsistent with the constitution and laws of the United States or of this state.

Constitution and
by-laws.

§ 4. The said corporation may acquire, by gift, grant, bequest, devise or purchase, real and personal property; and may use, hold, lease, mortgage encumber, alien, sell, grant, release and convey, in fee or for a lesser estate, all such real and personal estate: *Provided*, all such assurances are made by deed, under the corporate seal, duly executed by the president and secretary for the time being.

Acquisition of
property.

§ 5. The corporation shall not at any time hold or own more than fifteen thousand dollars' worth of real estate, the value thereof to be determined by the valuation at the time on the assessor's books for the county within which the real estate may be situated, nor shall it hold or have more than five thousand dollars' worth of personal property at any one time.

Amount of real
estate and personal
property held.

§ 6. The funds of the society may be loaned out on real or personal security for such times and upon such terms as may be approved by the board of managers.

Loan of funds.

§ 7. The members of the corporation shall be liable to pay to the society such moneys at such times as may be fixed on by any of its by-laws existing at the time of their becoming members; and upon any failure to pay the same, may be proceeded against by suit, in the name of the cor-

Liabilities.

poration, or their membership and interest therein may be declared forfeited, at the discretion of said corporation.

Misnomers.

§ 8. No partial misnomer of said corporation shall defeat or annul any gift or grant, bequest or devise to or for said corporation; but in all cases the board of managers shall be bound to appropriate and use any bequest, devise, gift or grant in such manner as shall be prescribed by the party or parties making the same, unless the same shall be inconsistent with the special objects of the society, when such gifts, grants, bequests or devises shall be declined, evidence whereof shall appear duly spread out on its records.

Legal visitor's powers.

§ 9. The Catholic Bishop of Alton is hereby constituted the legal visitor of this corporation, with power to visit annually, to inquire into and correct any abuses that may arise; also, to examine into its general condition and progress; to counsel, advise, and, if need be, reprimand the board; and at such visitations the books, records and papers of the corporation shall be opened freely to his inspection.

§ 10. This act shall be a public act, and be in force from and after its passage.

APPROVED February 23, 1867.

In force Feb. 23, 1867. AN ACT to incorporate the Workman's Mutual Aid Society, of Highland, Madison County, Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Gallus Rutz, John Hillenbrand, Fritz Hopper, August Mosemann, Adam Eifert, John B. Edelmann, John Mohnkon, members of the Workman's Mutual Aid Society, and other present members of that society, and such other persons as may from time to time hereafter be admitted members of said society, according to the constitution, by-laws, rules and regulations thereof, be and they are hereby created a body politic and corporate, in the town of Highland, county of Madison, under the name and style of "The Workman's Mutual Aid Society of Highland," for the purpose of aiding their members in sickness and distress, and providing for a decent burial of their dead; and, by that name, shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend in all actions at law and in equity, and in all courts whatsoever; and be capable in law of taking and holding, by purchase, grant, gift, devise, and otherwise, and of selling and conveying real and personal estate; and to loan the money and funds of the society, and to take promissory notes, bonds, mortgages, and other evidences of indebtedness, to secure the same; to*

Name and style.

Purposes.

Corporate rights.

have and use a common seal, and to alter the same at pleasure; to make and from time to time to alter, as they may think proper and expedient, a constitution and by-laws, for said society, declaring the time of electing the officers of the society, and the manner thereof, the number and duties of such officers, and, generally, such other provisions for the good government and existence of the society as to them may seem proper.

§ 2. The constitution, by-laws, and proceedings of said society shall be entered by the secretary of the society in a book kept for that purpose; and such book shall be evidence of the matters therein contained in all courts of justice.

Constitution
and by-laws.

§ 3. For the purpose of carrying into effect the objects of this act, the members of the above society shall have power and are hereby authorized to appoint, out of their number, three trustees, to hold their office for the term of one year and until their successors in office are appointed.

Trustees.

§ 4. Said society may require bond and satisfactory security of its treasurer and trustees for the faithful performance of their duties as such officers.

Bond and secu-
rity.

§ 5. At all elections each member, who is not indebted to said society or suspended from its benefits, shall be entitled to vote, and the majority of all votes cast shall make an election.

Elections.

§ 6. The members of the society shall be liable to pay to the society such amount of money, at such time and place as may be fixed by the constitution or by-laws of the society; and upon a failure to pay the same, they may be proceeded against by suit in the name of the society, or their membership may be declared forfeited, at the discretion of the society.

Fees and fines.

§ 7. The society shall not be dissolved and put in liquidation as long as ten members thereof dissent and wish a continuance of the society.

Dissolution.

§ 8. This act shall be in force from and after its passage.

APPROVED February 23, 1867.

AN ACT to incorporate the German Workingmen's Association of Lacon, In force Feb'y
Marshall county, Illinois. 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Her-* Corporators.
man Petz, John Hunter, Frederick Roth, John Schupp, Gustav. Muller, Robert Muller and their associates, are hereby constituted a body corporate and politic, by the name and style of "The German Workingmen's Associa- Name and style.
tion of Lacon;" and by that name shall have perpetual suc-

Vested rights. cession; shall have power to contract and be contracted with, sue and be sued, to plead and be impleaded, defend and be defended in any court of justice and equity; to have, use and alter a common seal; to elect officers; to establish rules, regulations and by-laws, and repeal and alter the same; may receive, take and hold, by purchase, gift, devise, bequest or otherwise, property, real and personal, for the use and purposes of the association; and may sell, convey, rent and lease the same.

Objects. § 2. The object of this association shall be to extend relief and aid to its members in case of sickness, to bury deceased members, to aid the widows and orphans of the deceased members, and mutually to promote the welfare and interests of its members.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED, February 23, 1867.

In force Feb. 25, 1867, AN ACT to incorporate the United Hebrew Relief Association of Chicago.

Preamble.

WHEREAS, there exists in the city of Chicago, county of Cook, and state of Illinois, a corporation, created under the general laws of said state, under the name and style of "The United Hebrew Relief Association of Chicago," whereof Isaac Greensfelder is president, and Samuel Cale, vice president, and Julius Rosenthal is secretary, and Moses Snyder is financial secretary, and Abraham Hart is treasurer, and M. M. Gerstley and B. Schoeneman are trustees; now, therefore, to enable said corporation more fully to carry out the objects and purposes thereof, and the objects and purposes of this act,

Name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said "The United Hebrew Relief Association of Chicago," be and the same is hereby continued a body politic and corporate; and by such name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to take and hold, by purchase, gift, grant, devise or otherwise, from any person or persons, or corporation, any property and estate, real, personal and mixed; and the same to manage, grant, sell, convey, mortgage, lease or otherwise dispose of, and to invest, and loan out upon interest the funds of said corporation, and appropriate said funds for its benefit; to contract and be contracted with; to have and use a common seal, and alter the same at pleasure; to make and alter by-laws for the government of the corporation, its officers, directors, agents and servants,

Corporate powers.

By-laws.

and for their removal, and concerning the property and affairs of said corporation, not inconsistent with the laws and constitution of the state of Illinois; also to fix and change the time of meeting in and by such by-laws, the number, manner of election and qualifications of officers, directors, members, admittance of associations, societies and corporations as members, and the mode of their representation by delegates, and the qualifications of persons as members, and their powers and duties.

§ 2. The objects of this corporation shall be of an eleemosynary nature. They shall be to provide a permanent, efficient and practical [means] of administering and distributing the private charities of the Israelites of Chicago; to organize and establish the necessary means for obtaining full and reliable information of the condition and wants of the Jewish poor of Chicago, and putting into practical and efficient operation the best system for relieving and preventing want and pauperism among Jewish poor of said city, and for assisting and aiding the sick, the widow and orphan, and to donate to other charitable associations such sums as shall be fixed by the by-laws, and to do whatever act or thing which may be necessary and proper in relieving wants and necessities of the Jewish poor or others, as they may see fit.

§ 3. The said corporation shall have power to locate and erect, or to lease the necessary building or buildings, and lot or lots, and improve the same, for the purpose of providing for a hospital and a widow and orphan asylum, and for other objects of said corporation, and therein to receive such sick and widows and orphans or other persons, in such manner and for such times as the by-laws of said corporation shall direct; and to manage said institutions as may best tend to carry out the objects of said corporation: *Provided*, that the property of said corporation shall not exceed one hundred and fifty thousand dollars in value.

§ 4. All conveyances and instruments in writing, made by said corporation, shall be executed by the president and secretary, and the corporate seal affixed, under such rules as the by-laws may from time to time establish.

§ 5. In case of the death or legal incapacity of a Jewish father, or in case of his neglecting to provide for his children, the mother shall be considered their legal guardian, for the purpose of making a surrender of them to the charge and custody of said corporation; and in all cases where the person or persons legally authorized to act as the guardian of any Jewish child are not known, the judge of the county court of Cook county may, at his discretion surrender such child to said corporation; and such corporation may, at its discretion, indenture such child to an honorable trade or employment; but in all cases provisions shall be made in the indenture for securing an education proper and suitable

Objects.

Lease of property for hospital purposes and other objects.

Widows and orphans.

Proviso.

Conveyances.

Legal guardians of children.

Surrender of children to corporation.

Indentures.

Education.

- Habeas corpus. for the condition and circumstances in life of such child or children ; and if, upon the hearing of any *habeas corpus*, for the custody of any child, it appear that such child has been surrendered, as aforesaid, such surrender shall be taken by all courts of justice as conclusive that such child was legally and properly surrendered to said corporation, and that said corporation was entitled to the custody and guardianship of said child.
- Custody and guardianship. § 6. The articles of association or incorporation of said association heretofore formed, and reference to which is made in the preamble to this act, not inconsistent with this act, shall govern this corporation ; and the by-laws of said association shall be binding upon this corporation until repealed or changed by this corporation ; and this corporation shall have power, with the consent of said association heretofore existing as aforesaid, to acquire all the property, rights, credits and interests of said association heretofore existing, with full power in this corporation to maintain actions at law or in equity, for the recovery of any such rights, credits and interests, if necessary, whether the same have accrued to said association by voluntary subscription, or otherwise.
- Articles and by-laws of association binding. § 7. All property of persons dying under the care of said corporation, and left in the custody of said corporation, and not exceeding in value one hundred dollars, shall, if the same remain unclaimed by the heir or heirs, or legal representatives for six months after such decease, become the property of said corporation, and may be disposed of as deemed best for its interests.
- Acquisition of rights, property, credits, etc. § 8. The property of said corporation, to the extent of twenty thousand dollars, shall be exempt from all taxes and assessments for state, county and city purposes.
- Actions at law. § 9. This act shall be in force from and after its passage.
- Disposition of property of deceased persons. APPROVED February 25, 1867.
- Exemption of property from taxation.

In force Feb.
25, 1867.

AN ACT to incorporate the Scandinavian Immigrant Aid Society.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Iver Lawson, Erland Carlsson, C. M. Lindgren, Peter L. Hawkinson, Ferdinand S. Winslow, Paul Anderson, Knead Langeland, A. Uhre, N. O. Westergren, Andrew N. Elson, V. Whitting and Augustus Jacobson, and such other persons as may from time to time become members of the corporation hereby created, are hereby made and constituted a body corporate and politic, with perpetual succession, by the name and style of "The Scandinavian Immigrant Aid Society;" and, by that name, they and their successors shall

Name and style

be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters and places whatsoever, with full power to acquire, hold, occupy, enjoy and convey all real and personal estate, not exceeding in value the sum of twenty-five thousand dollars; they may have a common seal, and the same may alter, break and renew at pleasure; they may adopt a constitution, rules, by-laws and regulations, to further the objects of this incorporation, not repugnant to the constitution of this state or of the United States—all in such manner as shall to them from time to time seem necessary; and they may annex to the breach of such constitution, by-laws or regulations such penalty for the non-observance of the same by members, officers or agents of the corporation hereby created, as they may see fit.

Valuation of property.

Constitution and by-laws.

§ 2. The objects and purposes of said corporation shall be to aid and assist Scandinavian immigrants.

Objects and purposes.

§ 3. The corporation hereby created shall have power to elect and qualify such officers as they may deem necessary, who shall hold their offices for such length of time, and discharge the duties thereof in such manner as may be established by the constitution and by-laws of the society.

Officers.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the German Masons' and Bricklayers' Society of Chicago. in force Feb. 16, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Friedrich Kort, president; Wilhelm Loeffker, vice-president; Henry Pauli, secretary; Paul Homberg, treasurer; Christian Knoebfer, Frank Gerbing and Nicholas Hein, and the other members at present belonging to the "German Masons' and Bricklayers' Society of Chicago," now existing in the city of Chicago, in this state, and such other persons as may hereafter be admitted members of said association, according to the constitution and by-laws thereof, be and are hereby declared and constituted a body politic and corporate, under the name and style of the "German Masons' and Bricklayers' Society of Chicago," and, hereafter, shall be known by that name and style; and by that name to remain in perpetual succession, with power, in and by that name and style, to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or equity, in all courts whatever, and, if necessary, to sign,

Corporators.

Name.

Powers, privileges and franchises.

execute and deliver, by the president and secretary of said association for the time being, under the seal thereof, all arbitration and other bonds, in obtaining the legal rights and advancing the interests of said association; and, also, in and by such name, to acquire, purchase, hold, grant, bargain, sell, alien and lease and convey any property, whether real, personal or mixed; and to loan the moneys and funds of said association, and take promissory notes, bonds, mortgages and other evidences of indebtedness, for the moneys or funds so loaned; and to have and use a common seal, and to alter the same at pleasure; and to make, and from time to time to alter, as the association may deem proper and expedient, the constitution and by-laws of said association, declaring and containing the times and manner of election for officers of said association, and the number and duties of such officers, and such other provisions for the good government, general welfare, improvement and existence of said association as a majority of the members may determine: *Provided*, such constitution and by-laws shall not be in conflict with the constitution of the United States or of this state or the laws thereof. Said constitution and by-laws, when recorded on the records of said association, shall be in full force, and, on the production and proof of such records, shall be received in evidence of the facts therein stated in all courts of justice and upon all lawful occasions.

Amount of personal property held. § 2. The said corporation shall not at any one time hold personal property to a greater amount than one hundred thousand dollars nor real estate to a greater amount than fifty thousand dollars. The personal property belonging to said association shall not be appropriated otherwise than for the benefit of said association, and the uses and purposes for which it is founded, the improvement of the real estate of the association, and such benevolent and other purposes, and in such manner as shall be declared, provided for and directed in the constitution and by-laws hereinbefore authorized to be made.

Fees and dues. § 3. The said corporation shall have power to assess such initiation fee and such monthly, quarterly and yearly dues as may be wanted for the purpose of carrying out the objects of said society, and may sue its individual members and collect the same by law.

Object. § 4. The object of the association is hereby declared to be to unite the members thereof in a bond of brotherhood and mutual friendship, to minister to their wants in sickness, and afford relief in their necessities, to bury those who may die, and provide for the widows and orphans of the members of this association, if needy, and generally, by all means within the control of the association, to ameliorate the condition, both moral and physical, of the members of this association and their widows and orphans.

§ 5. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 16, 1867.

AN ACT to incorporate the Deutscher Roemisch Katholischer St. Peter's Unterstuetzungs Verein. In force Feb. 16, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Michael Smitz, president, Lorenz Franz, vice-president, Sebastian Wagoner, treasurer, Lorenz Biehl, secretary, and Nicholas Helfrich, assistant secretary, and the other members at present belonging to the "Deutscher Roemisch Katholischer St. Peter's Unterstuetzungs Verein," now existing in the city of Chicago, in this state, and such other persons as may hereafter be admitted members of said association, according to the constitution and by-laws thereof, be and hereby are declared and constituted a body politic and corporate, under the name and style of the "Deutscher Roemisch Katholischer St. Peter's Unterstuetzungs Verein," and hereafter shall be known by that name and style; and, by that name, to remain in perpetual succession, with power, in and by that name and style, to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or equity in all courts whatsoever, and, if necessary, to sign, execute and deliver by the president and secretary of said association for the time being, under the seal thereof all arbitration and other bonds, in obtaining the legal rights and advancing the interests of said association; and, also, in and by such name, to acquire, purchase, hold, grant, bargain, sell, alien, convey and lease any property, whether real, personal or mixed, and to loan the moneys and funds of said association, and take promissory notes, bonds, mortgages and other evidences of indebtedness for the money or funds so loaned; and to have and use a common seal, and to alter the same at pleasure; and to make and from time to time to alter, as the association may deem proper and expedient, the constitution and by-laws of said association, declaring and containing the times and manner of election for officers of said association, and the number and duties of such officers, and such other provisions for the good government, general welfare, improvements and existence of said associations, as a majority of the members may determine: *Provided*, such constitution and by-laws shall not be in conflict with the constitution of the United States or of this state, or the laws thereof. Said constitution and by-laws, when recorded on the records of

Corporators.

Name and style.

Corporate powers.

Constitution and by-laws

said association, shall be in full force, and, on the production and proof of such records, shall be received in evidence of the facts therein stated in all courts of justice and upon all lawful occasions.

Amount of personal property held, etc.

§ 2. The said corporation shall not at any one time, hold personal property to a greater amount than one hundred thousand dollars, nor real estate to a greater amount than fifty thousand dollars. The personal property belonging to said association shall not be appropriated otherwise than for the benefit of said association, and the uses and purposes for which it is founded, the improvement of the real estate of the association, and such benevolent and other purposes, and in such manner as shall be declared, provided for and directed in the constitution and by-laws hereinbefore authorized to be made.

Appropriation of.

Fees and dues.

§ 3. The said corporation shall have power to assess such initiation fee, and such monthly, quarterly and yearly dues, as may be wanted for the purpose of carrying out the objects of said society, and may sue its individual members and collect the same by law.

Object.

§ 4. The object of this association is hereby declared to be, to unite the members thereof in a bond of brotherhood and mutual friendship; to minister to their wants in sickness, and afford relief in their necessities; to bury those who may die; to aid the widows and children of such as may die; and to provide for the widows and orphans of the members of this association, if needy; and, generally, by all means within the control of the association, to ameliorate the condition, both moral and physical, of the members of this association and their widows and orphans.

§ 5. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 16, 1867.

In force March 8, 1867.

AN ACT to incorporate La Societe Francaise de Bienfaisance de l' Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That George De Loynes, Alex. Bengley, F. A. Nitsheln, Ambrose Gagne, Theophile Gueroult, and All Coignard, and their associates, are hereby constituted a body corporate and politic, by the name and style of "La Societe Francaise de Bienfaisance de l' Illinois;" and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law or equity.*

Name and style.

§ 2. That the said corporation and their successors, by the name, style and title aforesaid, may receive, take, hold, either by gift, purchase, devise, bequest or otherwise, any real and personal property, for the use and for the advancement of the purposes of said corporation, and may rent, lease, sell, mortgage, convey or in any otherwise dispose of the same, according to the constitution and by-laws of said corporation: *Provided, always*, that said corporation shall not at any time hold or possess property exceeding in value the sum of fifty thousand dollars.

Possession of property.

§ 3. The object and purpose of said corporation shall be to extend relief and aid to its members in case of sickness, and to bury deceased members; also to aid the widows and orphans of deceased members, and to do such other benevolent deeds as shall be in their power.

Object and purpose.

§ 4. That it shall and may be lawful for the said corporation to have a common seal, and to alter and renew the same at pleasure, they shall have power to pass such by-laws and regulations for the management of their business as they may deem necessary: *Provided*, they do not in anywise conflict with the constitution and laws of this state or of the United States, and shall, in general, have and exercise all such rights, privileges and immunities as by law are incident or necessary to the corporation herein constituted.

Powers and privileges

§ 5. The officers of said corporation shall be a president, two vice-presidents, one treasurer, two secretaries, and such other officers as the by-laws may prescribe; which officers shall be elected by the members of said corporation by ballot.

Officers.

How elected.

§ 6. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the German Workingmens' Association of the city of Pekin, Illinois. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That August Winkel, Frederick Herring, Wm. Steinseifer, John Lucas, Henry Lehr, and their associates and successors, and all other persons who may hereafter associate with them, be declared and constituted a body corporate and politic, by the name and style of "The German Workingmens' Association of the city of Pekin;" and by that name they and their successors shall and may have succession, shall be capable of suing and being sued, contracting and being con-

Corporators.

Name and style.

- Powers.** tracted with; may have and use a common seal, and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real and personal estate; may sell and convey the same; to make by-laws for the management of its affairs, not inconsistent with the constitution and laws of this state or the United States; to elect or appoint the officers and agents of said association, for the management of its business.
- Constitution and by-laws.** § 2. The constitution and by-laws now adopted by said association, shall continue in force until changed by said association; and all personal property and effects, of whatever kind, now held by said association or any person in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created.
- Election of officers.** § 3. The association so incorporated may annually, or oftener, elect from its own numbers such officers and managers as the association may deem proper, at such times and places, and in such manner and with such powers expressed and duties imposed on said officers and managers as said association, by its by-laws, may direct; and, in case it shall happen that an election of officers and managers shall not be made on the day designated by the by-laws, it may and shall be lawful on any other day to hold an election of such officers and managers.
- Gifts, donations, etc.** § 4. The association incorporated by this act shall be capable of taking, holding and receiving any property, real or personal, by virtue of any gifts, purchase, devise or bequest contained in any last will and testament of any person whatsoever, or in any other manner.
- Bonds.** § 5. The association incorporated by this act shall also have power to issue bonds and negotiate the same, and to borrow money and mortgage their property, both personal and real, or mixed, for the payment of said bonds so negotiated, or money so borrowed: *Provided*, that nothing in this act contained shall be held to confer any banking privileges upon the association hereby created.
- Proviso.** § 6. The constitution, by-laws and resolutions of said association shall be in full force when recorded in the records of said association, and on the production and proof of such records shall be received as evidence of the facts therein stated in all courts of justice, and upon all lawful occasions.
- By-laws.** § 7. Said corporation may require bond and satisfactory security of its treasurer or other officers intrusted with moneys or other property, for the faithful performance of his or their duties as such officers.
- Officers' security.** § 8. The object of this association is hereby declared to be to protect and promote the true interests of the workmen.
- Object.** § 9. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the Workman's Mutual Aid Society of Trenton, Clinton county. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Adolph Mueller, Paul Bassler, Lewis Rode, Jacob Peter, Adam Kenbrer, Adam Zachelmeier, Frank Leanhung, George Fisher, Christian Hake and Constant Ambrose, members of the Workman's Mutual Aid Society, and other present members of said society, and such other persons as may hereafter be admitted members of said society, according to the constitution, by-laws, rules and regulations thereof, be and they are hereby created a body politic and corporate, in the town of Trenton, county of Clinton, and state of Illinois, under the name and style of "The Workman's Mutual Aid Society of Trenton," for the purpose of aiding their members in sickness and distress, and providing for a decent burial of their dead; and by that name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend in all actions at law and in equity and in all courts whatsoever; and be capable in law of taking and holding, by purchase, grant, gift, devise and otherwise, and of selling and conveying real and personal estate, and to loan the money and funds of the society, and to take promissory notes, bonds, mortgages and other evidences of indebtedness, to secure the same; to have and use a common seal, and to alter the same at pleasure; to make, and from time to time to alter, as they may think proper and expedient, a constitution and by-laws for said society, declaring the time of electing the officers of the society, and the mode thereof, the number and duties of such officers, and, generally, such other provisions for the good government and existence of the society as to them may seem proper.

Corporators.

Name and style.

Object.

§ 2. The constitution, by-laws and proceedings of said society shall be entered by the secretary of the society in a book kept for that purpose; and such books shall be evidence of the matters therein contained in all courts of justice.

Record of constitution, etc.

§ 3. For the purpose of carrying into effect the objects of this act the members of the above society shall have power, and they are hereby authorized to appoint out of their members three trustees, to hold their office for a term of one year, and until their successors in office are appointed.

Trustees.

§ 4. Said society may require bond and satisfactory security of its treasurer and trustees for the faithful performance of their duties as such officers.

Bonds of officers.

§ 5. At all elections, each member who is not indebted to the said society, or suspended from its benefits, shall be

Qualified voters

entitled to vote; and the majority of all votes cast shall make an election.

Liabilities of members.

§ 6. The members of the society shall be liable to pay to the society such sums of money, at such time and place as may be fixed by the constitution or by-laws of the society; and for failure to pay the same, they may be proceeded against by suit, in the name of the society, or their membership may be declared forfeited, at the discretion of the society.

Dissolution.

§ 7. The society shall not be dissolved and put in liquidation as long as ten members thereof desire and wish a continuance of the society.

§ 8. This act shall be in force from and after its passage.

APPROVED March 9, 1867.

In force Feb. 14,
1867.

AN ACT to incorporate the Society of the Free Benevolent Sons of America, of the city of Cairo, Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Gladney, John Tyler, George W. Ellis, William Flounney, George W. Williams, and their successors and associates, are hereby created a body corporate and politic, by the name and style of "The Free Benevolent Sons of America, of the City of Cairo, Illinois;" and by that name shall have perpetual succession; and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purpose of said corporation as fully and completely as natural persons might or could do.

Name and style.

Powers.

Objects.

§ 2. The object and purpose of said corporation shall be to extend relief and aid to its members in case of sickness or infirmity; to bury deceased members, protect and care for the widows of such and educate their orphans.

May hold real estate.

§ 3. The said corporation may receive, take and hold, either by gift, purchase, devise, bequest or otherwise, any real or personal estate, for the use of and for the advancement of the purposes of said corporation, and may rent, lease, sell, convey, or in anywise dispose of the same, according to the by-laws of said corporation hereafter to be adopted: *Provided*, such real and personal estate shall not exceed in value the sum of fifty thousand dollars.

Proviso.

Officers

§ 4. The officers of said corporation shall be a president, vice president, recording secretary, corresponding secretary,

treasurer, and a board of managers, not less than five in number—the number to be determined, from time to time, by the corporation. The officers of said corporation shall be elected annually, on the second Monday in January, in each year, and shall hold their respective offices one year, and until their successors are elected and qualified; and in case a vacancy occurs in any of said offices, in any manner, the board of managers shall have the power to fill such vacancy until the next annual election. The president, vice president, secretaries and treasurer shall be, *ex officio*, members of the board of managers; and the president and recording secretary shall be, respectively, president and secretary of said board of managers—five of whom shall constitute a quorum for the transaction of business.

Vacancy.

§ 5. The said corporation may, at any time, appoint such subordinate officers, agents and committees as they may deem necessary to carry out and effect the objects of said corporation, and make and enforce all needful by-laws, rules and regulations: *Provided*, the same are not in conflict herewith or with the laws of this state.

Subordinate officers.

Proviso.

§ 6. It shall be lawful for said corporation to have a common seal, and to change the same at will; and said corporation shall, in general, have and exercise all such rights, privileges and immunities as by law are incident or necessary to the corporation herein constituted.

Seal.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1867.

AN ACT to incorporate the Washingtonian Home of Chicago.

In force Feb.
1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the "Washingtonian Home Association, of Chicago," is hereby created and declared to be a body corporate and politic, under the name of "The Washingtonian Home of Chicago;" with power to sue and besued, plead and be impleaded, contract and be contracted with; to take, by gift, grant, devise or otherwise, property, real personal and mixed, and the same to hold, use, lease, convey, mortgage and otherwise dispose of, for the purposes hereinafter mentioned; to adopt and use a corporate seal, and alter the same at pleasure; also to erect and maintain such buildings and other fixtures and conveniences as may be deemed requisite or necessary for the purposes of this corporation.

Name.

Powers.

- Object.** § 2. The object of this incorporation shall be the founding and maintenance of an institution for the care, cure and reclamation of inebriates.
- By-laws.** § 3. Said corporation may, from time to time, adopt such by-laws and at pleasure abolish, alter or amend the same, for the management of its business, the conduct and government of said institution and the inmates thereof, not inconsistent with the constitution and general laws of this state, as to them shall seem meet and proper.
- Directors — tenure of office.** § 4. Fifteen of the directors of said home, to be selected by lot, shall hold their office until the third Monday of January, A. D. 1869, and the remaining fifteen until the third Monday of January, A. D. 1871; and on the second Monday of January, A. D. 1869, and biennially thereafter, said corporation shall elect successors in place of those whose term of office shall expire the Monday thereafter, who shall, respectively hold their offices for two years and until their successors shall have been elected; and in case of removal, death or resignation of any one or more of said directors or their successors before the expiration of their term of office, their place may be filled by said remaining directors; and such person or persons shall hold their office until the next biennial election. Seven of said directors shall constitute a quorum for the transaction of business.
- Election of successors.**
- Vacancies.**
- Commitment and transfer of persons.** § 5. Any person sentenced by the authorities of the city of Chicago to the bridewell or house of correction for intemperance, drunkenness or for any misdemeanor caused thereby, may, with the consent of the proper officers of said "Home," be received and detained as an inmate of said home in lieu of the bridewell or house of correction, until the expiration of such sentence; and when any such person has been committed to the city bridewell or house of correction for any such misdemeanor caused by intoxication or for drunkenness, either justice of the police court may, with the consent aforesaid, upon application, cause him to be transferred to the said Washingtonian Home, for the unexpired term of his sentence.
- Employments and labor.** § 6. Said "Home" may cause such mechanical or other employments to be carried on under the control of the same and may require its inmates to perform such labor as, in the opinion of the officers of said home, may be useful or necessary to facilitate the recovery of its inmates or promote their welfare; and every authority necessary or convenient to carry into effect the provisions of this act is hereby conferred on said corporation.
- Duties of treasurers.** § 7. It shall be the duty of the treasurer of the county of Cook and the treasurer of the city of Chicago, or of the officers of either into whose hands the same may come or be paid, to pay over to said corporation, in quarterly installments, for the support and maintenance of said institution, ten per cent. of all moneys received for all licenses

granted by authority of said county or city, for the right or privilege to vend or sell spirituous, vinous or fermented liquors within the said county of Cook and city of Chicago.

§ 8. All the property at any time owned by said corporation shall be exempt from taxation.

Property exempt from taxation.

§ 9. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts repealed.

§ 10. This act shall be deemed a public act, and shall take effect from the date of its passage and approval by the governor.

APPROVED February 16, 1867.

AN ACT to incorporate the Firemens' Benevolent Association of Springfield, Illinois, and for other purposes. In force April 23^d 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as now are or hereafter may become members of the "Firemens' Benevolent Association of the city of Springfield," in accordance with the constitution of said association and the by-laws of the board of directors of said association, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of the "Firemens' Benevolent Association of the City of Springfield;" and by that name they and their successors shall and may have perpetual succession; and by their corporate name shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; of having and using a common seal, and changing and altering the same at pleasure; and of contracting and being contracted with; and of purchasing, holding and conveying any estate or property, real, personal or mixed, for the use and benefit of said corporation, and for no other use and benefit whatsoever: *Provided*, that said corporation shall at no time hold property to an amount exceeding the sum of one hundred thousand dollars.

Name and style

Powers.

Proviso.

§ 2. The said corporation shall have full power to make, establish and prescribe for its own government and regulation of its own business and affairs and concerning the management and disposition of its own funds, such constitution, by-laws, rules and regulations as shall, from time to time, appear proper and needful for the proper carrying out and conducting of the business and purpose for which the

Business and operations.

said corporation is by this act instituted, and for no other purpose whatsoever, which it may alter or amend at pleasure, provided the same be not repugnant to the constitution and laws of this state and of the United States.

Objects.

§ 3. The object of this association shall be to create a fund and provide means for the relief of the distressed, sick, injured or disabled members thereof and their immediate families; and all property and money acquired by said association shall be held and used solely for that purpose; and the business, property, funds and estate of the said association managed, conducted and controlled according to the constitution, by-laws, rules and regulations above authorized.

Funds.

§ 4. For the purpose of enabling the said association more speedily to raise a fund sufficiently large for its purposes, it shall be lawful for said association to contract for, take, receive and collect interest upon the loan or forbearance of any money, goods or things in action at the rate of ten dollars upon the hundred, and after that rate for a greater or less sum or for a longer or shorter time.

Suits at law.

§ 5. In any action, suit or other proceeding, which is now or may hereafter be instituted, commenced or prosecuted for the recovery or collection of any fine, penalty or forfeiture imposed by any existing or future laws of this state or of any existing or future laws or ordinances of the common council of the city of Springfield or of any of the fire companies in the said city and appropriated to the use of such association, it shall be no objection to the competency of any witness in any such action, suit or other proceeding for the recovery or collection of any such fine, penalty or forfeiture so imposed and appropriated to the use of said association or of any of the fire companies in said city, that he, the said witness, is or has been a member of said association or of said fire company or is or may become entitled to the benefits of the association fund.

Rates of insurance, etc.

§ 6. There shall be paid to the treasurer of said association, for the use and benefit of such association, by every person who shall act in the city of Springfield as agent for or on behalf of any individual or association of individuals, not incorporated by the laws of this state, to effect insurance against loss or injury by fire in the city of Springfield, although such individuals or association may be incorporated for that purpose by another state or county, the sum of two dollars upon the one hundred dollars, and at that rate upon all premiums which during the year or part of year ending on the next preceding first day of —, shall have been received by such agent or person or received by any other person for him or shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise against loss or injury by fire in the city of Springfield.

§ 7. No person shall, in the city of Springfield, as agent or otherwise for any individual, individuals or association, effect or agree to effect any insurance upon which the duty before-mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected, until he shall have executed and delivered to the said treasurer a bond to the Firemens' Benevolent Association of the City of Springfield in the penal sum of one thousand dollars, with such sureties as the treasurer, with a condition that he will annually render to the treasurer on the first day of January in each and every year, a just and true account verified by his oath, that the same is just and true, of all premiums which during the year ending the first day of December preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in the city of Springfield, which shall have been effected from any individual, individuals or association not incorporated by the laws of this state, as aforesaid, and that he will annually, on the first day of January of each year, pay to the said treasurer the sum of two dollars upon every one hundred dollars, and at that rate upon the amount of such premiums.

Obligations and requirements of insurance agents.

§ 8. Every person [who shall] effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act, without having executed and delivered the bond required by the preceding section, shall, for each offense, forfeit the sum of one thousand dollars which shall be collected in the name and for the use of the Firemens' Benevolent Association of the City of Springfield.

Forfeitures for failure to execute bonds, etc.

§ 9. Any person who at any time hereafter, as agent or otherwise, for any individual or individuals or associations may, in the city of Springfield, effect or agree to effect any insurance specified in the preceding section of this act shall on the first day of January in each year, or within ten days thereafter, and as often in each year as he shall alter or change his place of business in said city, report in writing, under his proper signature, to the treasurer of the said Firemens' Benevolent Association of the City of Springfield, the street and number thereof in said city of his place of doing business as such agent or otherwise, designating in such report the individual or individuals and association or associations for which he may be such agent or otherwise; and, in case of default in any of these particulars, such person shall forfeit for every such offense the sum of five hundred dollars—to be recovered and collected in the name and for the use of the "Firemens' Benevolent Association of the City of Springfield."

Reports of change of place of business of insurance agents.

§ 10. This act shall be a public act, and shall be liberally construed in all courts of law and equity for all the purposes herein intended.

Penalty for failure to make report, etc.

APPROVED February 28, 1867.

In force March 5, 1867. AN ACT to incorporate the French Mutual Society, of Ottawa, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David Bernard, Philipp Shock, Louis Carter, Charles Wiedman, Donat Hollicker, Christian Walter, and Peter Claur, and their associates and successors, and all other persons who hereafter may associate with them, be declared and constituted a body corporate and politic, by the name and style of "The French Mutual Society, of Ottawa, Illinois"; and by that name they and their successors shall and may have succession; shall be capable of suing and being sued, contract and be contracted with; may have and use a common seal, and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking, receiving, purchasing and holding real and personal estate; may sell and convey the same; to make by-laws, for the management of its affairs, not inconsistent with the constitution and laws of this state or the United States; to elect or appoint the officers and agents of said association for the management of its business.

Corporators. Name and style. Powers. Constitution and by-laws. § 2. The constitution and by-laws now adopted by said association shall continue in force until changed by said association; and all personal property and effects, of whatever kind, now held by said association or any person in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created.

Election of officers, etc. § 3. The association, so incorporated, may annually, or oftener, elect from its own members such officers and managers as the association may deem proper, at such times and places and in such manner and with such powers expressed and duties imposed on said officers and managers as said association, by its by-laws may direct; and in case it shall happen that an election of officers and managers shall not be made on the day designated by the by-laws, it may and shall be lawful, on any other day to hold an election of such officers and managers.

Gifts, devises and donations. § 4. The association incorporated by this act shall be capable of taking, holding and receiving any property, real or personal, by virtue of any gifts, purchase, devise, bequest, contained in any last will and testament of any person whatsoever, or in any other manner.

Evidence of by-laws. § 5. The constitution, by-laws and resolutions of said association shall be in full force when recorded in the records of said association; and, on the production and proof of such record, shall be received as evidence of the facts herein stated in all courts of justice and upon all lawful occasions.

§ 6. Said corporation may require bond and satisfactory security of its treasurer or other officer entrusted with moneys, for the faithful performance of his or their duties of such officer. Security of officers.

§ 7. The object of this association is hereby declared to be a benevolent society. Object.

§ 8. Suits may be instituted on promissory notes and accounts heretofore given to said society, in the name of the corporation hereby created. Suits at law.

§ 9. This act shall be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Benevolent Association of the Paid Fire Department of the City of Chicago, and for other purposes. In force May 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as now are or hereafter may become members of the Benevolent Association of the Paid Fire Department of the City of Chicago, in accordance with the provisions of the constitution of the said association and the by-laws of the board of directors of said association, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of the "Benevolent Association of the Paid Fire Department of the City of Chicago;" and by that name they and their successors shall and may have perpetual succession; and, by their corporate name, shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever; of having and using a common seal, and changing and altering the same at their pleasure; and of contracting and being contracted with; and of purchasing, holding and conveying any estate or property, real, personal or mixed, for the use and benefit of said corporation, and for no other use and benefit whatsoever: *Provided*, that said corporation shall at no one time hold property to an amount exceeding the sum of one hundred thousand dollars. Name and style. Powers. Proviso.

§ 2. The said corporation shall have full power to make, establish and prescribe for its own government and the regulation of its own business and affairs and concerning the management and disposition of its own funds, such constitution, by-laws, rules and regulations as shall from time to time appear proper and needful for the proper carrying Constitution and by-laws.

Proviso. out and conducting of the business and purposes for which the said corporation is by this act instituted, and for no other purpose whatsoever, which it may alter and amend at pleasure: *Provided*, the same be not repugnant to the constitution and laws of this state and of the United States.

Object. § 3. The object of the association shall be to create a fund and provide means for the relief of the distressed sick, injured and disabled members thereof and their immediate families; and all the property and money acquired by said association shall be held and used solely for that purpose; and the business, property, funds and estate of the said association shall be managed, conducted and controlled according to the constitution, by-laws, rules and regulations above authorized: *And it is further provided*, that the one-eighth of the amount of all fire insurance rates now annually paid into the city treasury, to create a fund for the benefit of disabled or distressed firemen, who may become disabled while in the service of the city of Chicago, shall be annually paid by the comptroller of the city to the association to be invested and held by them as a trust fund, for the benefit of firemen who shall or may become disabled while in the service of the city.

Actions, suits, etc. § 4. In any action, suit or other proceeding, which now is or hereafter may be instituted, commenced or prosecuted for the recovery or collection of any fine, penalty or forfeiture imposed by any existing laws of this state or by any existing or future law or ordinance of the common council of the city of Chicago, or any of the fire companies in said city and appropriated to the use of such association, it shall be no objection to the competency of any witness in any such action, suit or other proceeding for the recovery or collection of any such fine, penalty or forfeiture, so imposed and appropriated to the use of the said association or of any of the fire companies in said city, that he, the said witness, is or has been a member of said association or of said fire company, or is or may become entitled to the benefit of the association fund.

Construction of act. § 5. This act shall be a public act, and shall be liberally construed in all courts of law and equity for all the purposes herein intended; and the act heretofore passed on the same subject is hereby repealed.

APPROVED March 5, 1867.

AN ACT to incorporate the Seaman's Benevolent Union of Chicago. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Clancy, John Todd, Walter J. Cullen, William Foster, Thomas Fitzgerald, Peter Rostler, Andrew Anderson, Nicholas O'Connor, James Gorman, John A. Anderson, George Harris, William H. Stevenson, William McMullen, Henry Lovedell and Andrew Johnson, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of "The Seaman's Benevolent Union of Chicago;" and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have and use a common seal, and to alter the same at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the benefit and government of said Benevolent Union: *Provided*, such by-laws are not inconsistent with the constitution and laws of this state and of the United States: *And, provided, also*, that the valuation of property held by said Seaman's Benevolent Union shall not exceed twenty-five thousand dollars.

Corporators.

Name and style

Corporate powers.

Proviso.

Proviso.

§ 2. The objects of the Seaman's Benevolent Union shall be the moral, mental and mutual improvement of its members, who must be practical seamen and have followed such occupation for a livelihood, and that industry, sobriety and a feeling for mutual welfare shall form the basis of the principles of said union and its usefulness.

Objects.

§ 3. The Seaman's Benevolent Union of Chicago, which shall, at least, consist of fifty members, shall elect by ballot the usual officers of said union on the second Thursday of March in each year; and their duties shall last for one year; and they shall consist of one president, two vice presidents, one financial secretary, one recording secretary, one conductor, one warden or janitor, and three trustees; and all receipts, certificates or contracts shall bear the impress or stamp of the seal of said benevolent union, and shall be signed by the president or either vice president and countersigned by the recording secretary or financial secretary thereof.

Election of officers.

§ 4. The said corporation may receive, take and hold any gifts, devises, bequests or donations, which may be made and may be used for the promoting of the objects and usefulness of said corporation; and the property so held or acquired shall not be liable to taxation.

Donations, devises, etc.

§ 5. *It is further enacted*, That the said corporation shall have power to make all needful and necessary rules and by-laws for the regulation of its affairs; and these shall

Rules, by-laws, etc.

be binding on its members; and said rules, thereafter, shall not be altered, changed or amended, except by a vote of two-thirds of the members of said benevolent union, at a meeting called for said purpose of amending the rules or by-laws of said corporation.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March 5, 1867. AN ACT to incorporate the Thief Detective and Mutual Aid Association, of Princeville.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all such persons as now are or shall hereafter become and shall continue and remain members of the Thief Detective and Mutual Aid Association, of Princeville, in Peoria county, and state of Illinois, from and after the date of the passage and approval of this act shall be and they are hereby created and constituted a body politic and corporate, by the*
 Name and style. *description, name and style of "The Thief Detective and Mutual Aid Association, of Princeville;" and shall have perpetual succession; and may have and use a common seal, and may alter the same at pleasure; and, by the same*
 Powers. *name [and] style, shall be capable of suing and being sued, pleading and being impleaded in any and all courts of law and equity whatsoever; and by that name shall be capable to contract and be contracted with; to have, hold and enjoy, by gift, devise, grant, purchase or otherwise, real and personal estate, not to exceed at any one time the value of twenty thousand dollars, and again to sell the same or to dispose thereof at pleasure; and to loan the money and funds of the association, and take promissory notes, bonds, mortgages and other evidences of indebtedness, to secure the same.*

Object. § 2. The object of this association shall be: *First—To detect thieving of all classes; to pursue and arrest thieves and to bring them to just punishment under the law; and second—To aid each other, in case of loss by theft, to such an amount as shall be fixed by the constitution and by-laws hereinafter provided for.*

Constitution and by-laws. § 3. The said association shall have power to make and adopt a constitution and by-laws for the government and maintenance of the said association, as they may from time to time consider fit and proper, not inconsistent with the constitution and laws of this state or of the United States; and again to repeal and alter the same; which constitution

and by-laws, when made and adopted, shall be binding upon the members of said association, and may be enforced against them, either by suit, in the name of the association, or by forfeiture of the membership, or by both.

§ 4. The constitution and by-laws, also a record of the proceedings and the names of the members of the said association, shall be entered by an officer of the association in a book kept for that purpose; which said book shall be *prima facie* evidence of the matter therein contained in all courts of justice.

Records of proceedings, etc.

§ 5. This act shall be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the German Workingmens' Mutual Relief and Insurance Association, of Peoria. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Philip Bender, John Ohl, William Geilhausen, Bernhard Crener, Charles Finse, Enil Huber, Frederick Faber, John Trager, Charles Langjahr, Julius Proebsting, John Schnab, William Kunst, Herman Tendering, and all other persons who may be hereafter members of the German Workingmens' Mutual Relief and Insurance Association, of Peoria, be and are hereby created a body corporate and politic, by the name and style of "The German Workingmens' Mutual Relief and Insurance Association, of Peoria," to be located in the city of Peoria, state of Illinois; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other court or place whatsoever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of this corporation, and sell and convey the same at pleasure; may make, institute and put in execution such by-laws and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient to carry into effect the provisions of this act and the objects of the association.

Corporators.

Name and style.

Corporate powers.

§ 2. All persons who shall at any time be insured in this association shall be members thereof during the continuation of their respective policies.

Membership.

§ 3. The affairs of said association shall be managed by a board of directors, to be elected by a ballot by the members present, for one year, and to consist of not less than five nor more than fifteen members, as may be regulated by the by-laws of said association; and a majority of the above board shall constitute a quorum. The said board of

Directors.

Quorum.

- Officers. directors shall elect a president, vice-president, secretary, and treasurer, from their number, and shall transact all the business of the association.
- Object. § 4. The society hereby created shall be and exist for the mutual relief, benefit, assistance and support of its members, their wives or children, in cases of sickness and death. The association shall have the power to insure its members against the loss of life and insure the health of its members, upon such terms and conditions as may be regulated by the by-laws of the association. The rates of insurance shall be fixed by the board of directors.
- Assessments. § 5. The board of directors may levy an assessment upon the policies at any time they may deem it necessary for the payment of losses and expenses. Said assessment shall be equalized in proportion to the respective amounts of said policies. The members of this association shall be bound to pay said assessments made for losses and expenses accruing during the time for which their policies were issued and in force. In case an action is brought for the recovery of any assessment due the said association, the certificates of the secretary of the said association, under seal thereof, specifying said assessment; and this amount due the association by means thereof shall be taken and received as *prima facie* evidence in all courts of the facts therein stated.
- Actions for recovery, etc. § 6. In all suits by or against said association, any member thereof shall be a competent witness, except in suits in which such member shall be a party in his individual capacity: *Provided*, he, she or they are not otherwise disqualified.
- Suits at law. § 7. This act to be in force from and after its passage.
- APPROVED March 7, 1867.

In force March 7, 1867. AN ACT to incorporate the Sisters of the Good Shepherd, of the City of Chicago.

- Preamble. WHEREAS, the Sisters of the Good Shepherd, in Chicago, who are members of an order, the object of which [is] to reform abandoned women, and afford an asylum to such females as have been led away from the paths of virtue and wish to return, have applied for an act of incorporation;
- Corporators. SECTION 1. *Be it therefore enacted by the People of the State of Illinois, represented in the General Assembly, That* Adeline Noreau, (known as Sister Mary of the Nativity,) superior; Mary Kavanagh, (known as Sister Mary of St. Philomene,) assistant; Catharine Riordan, (known as Sister Mary of St. Joseph,) counsellor; and Clara Nonenkamp, (known as Sister Mary of the Visitation,) counsellor, and

their successors in office, be and they are hereby declared and constituted a body corporate and politic, by the name of "The House of the Good Shepherd;" and, by that name, shall have the right to maintain and carry on an institution, at Chicago, for the reformation of abandoned women; shall have perpetual succession, be capable to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all courts or places whatsoever; to have a common seal, and alter it at pleasure; to make such laws, rules and regulations as may be necessary for the proper order, conduct and control of said house, and to purchase, take, by gift, grant or devise, receive, hold and enjoy, to them and their successors, any goods, chattels, lands and tenements, and to sell, lease or otherwise dispose of the same, at pleasure.

Name.

Rights and privileges.

§ 2. *And be it further enacted*, That said corporation shall have the right to keep a school or academy, or engage in any other lawful and legitimate profession or business, for the purpose of maintaining said house.

Business and professions,

§ 3. This act shall be a public act, and shall be construed liberally and favorably for every beneficial purpose; and no misnomer of said corporation in any instrument of writing shall vitiate or defeat any gift or grant thereby made; *Provided*, the intention of the parties can be gathered from the instrument itself.

Construction of act.

Proviso.

§ 4. *Be it further enacted*, That the property of this corporation, to the amount of fifty thousand dollars, (\$50,000,) is hereby released from taxation for any purpose whatsoever.

Property exempt from taxation.

APPROVED March 7, 1867.

AN ACT to amend the charter of the American Bottom Board of Improvement, approved February 10, 1853.

In force Feb. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That a majority of the board of directors, of said American Bottom Board of Improvement, shall be residents of the American Bottom, in St. Clair county, in this state; and that the election of directors of said corporation, shall be held at their office, which shall be kept at East Saint Louis, in said county.

Residence and election of directors.

§ 2. That in section five of said charter, the word "two" be stricken out and the word "five" be substituted therefor.

Alteration of section 5.

§ 3. That in section six (6) of said charter the words "five" and "eight" be stricken out and the word "ten" be substituted for each, respectively.

Change of section 6.

Sec. 7 amended. § 4. That section seven (§ 7) of said charter be so amended as to read as follows: "That for the purpose of meeting any interest upon the capital invested and the expenses incurred in the construction of embankments, levees and drainage of the land, and all interests accruing upon the bonds issued by the company, there shall be annually levied and collected, in the mode hereinafter provided, a tax upon said lands so embraced within said embankments, levees, and all others in St. Clair county directly benefited by said drainage, leveeing or embankments; which said tax shall not be greater than will meet an amount sufficient to pay ten per cent. upon the capital so invested and bonds issued, and other expenses incurred. The expenses of management and the annual necessary repairs to the work, when completed, after the application of any profits arising from said works, if any such there be, and the proceeds of said taxation, shall be applied to no other purpose; any balance remaining over from any one year shall be carried forward, as a credit, to the next."

Sec. 8 amended. § 5. That section eight (§ 8) of said charter be amended so as to read as follows, viz: "Said company shall make out and deliver to the collector of St. Clair county, annually, a list of all persons and lands within said embankments and benefited by said drainage, leveeing or embankments, together with a statement made under oath of the treasurer of said company, of all moneys expended or borrowed for the construction and repair of said works, and also the necessary annual expenses of the management of the same; and it shall be the duty of the state and county collector, to place upon the state and county assessment, and in addition thereto, such sum per cent. as will pay the expenses and interests hereinbefore reserved. The company shall assess all lands within the county of St. Clair, for such taxation, in proportion to the benefits said lands shall derive from said work done by said company; and said taxation shall be collected at the same time and places as state and county taxes are collected; and, in the event of non-payment, the same rights and privileges, liens and remedies that are now in force, or shall be made obligatory by law, for the collection of state and county taxes, shall be applicable to the collection of said special tax and any additional tax hereinafter provided for, and the same judgment shall be obtained and the same privileges and obligations shall be imposed upon purchasers and owners as by law are applicable to lands sold for the non-payment of taxes, and all deeds executed by the sheriff, on a sale of such land for taxes under the provisions of this law, shall be received in all courts of justice as evidence of the same facts now evidenced by the sheriff's deeds under the revenue law of the state."

Sec. 9 amended
by additions.

§ 6. That section nine (§ 9) of said charter be amended by adding thereto as follows, viz: "Such vote shall be the

determination of the majority of the land holding legal voters of the district drained and embanked, voting at an election held for the purpose at the company's office; and upon the written application of any number of said land-holders, however, not less than twenty-five, it shall be the duty of said American Bottom Board of Improvement to give at least thirty days' notice of the time and place of taking such vote, by publication thereof in some newspaper, printed in East St. Louis, in said county of St. Clair, and also by posting up printed notices thereof, in at least twenty of the most public places within the territory drained and embanked by said company; and that as soon as the object of this charter is accomplished, viz: the lands in the American Bottom in said townships number one and two of north ranges nine and ten, west of the third principal meridian, in said county of St. Clair, are drained and embanked, it shall be the duty of the directors of said company to provide for the speedy and gradual redemption of the company's bonds and capital stock, by levying and collecting annually an additional tax of not less than one nor more than three per cent. upon the assessment for state and county purposes of the lands affected by the works of this company and subject to taxation from it, by virtue of this charter. Such additional tax shall be appropriated for the purposes named and for no other."

§ 7. Whenever the work and all the property of the said American Bottom Board of Improvement shall become the property of the owners of the land, as provided in section ten (§ 10) of the act, to which this is an amendment, the same shall thereafter be managed by the owners of said land and otherwise legal voters in the district drained and embanked, instead of the county court of said St. Clair county; and the said land owners shall thereupon become a body corporate and politic, under the name of "The American Bottom Board of Improvement;" and said company shall be invested with all the powers, in the management of said works and property, as is conferred upon the county court of St. Clair county in said section ten, (§ 10,) and shall manage the same under a board of seven directors, to be chosen annually by said land owners; which board shall choose a president and secretary, who shall be the acting officers of said company. Said company may contract and be contracted with, sue and be sued, by its corporate name aforesaid; may have a common seal, and may make such rules and regulations, not inconsistent with the laws of the land, as may be necessary to enable said company to execute the powers and duties conferred on it.

Owners possession of property, etc.

Incorporated name of.

Powers and privileges.

§ 8. Whenever the directors of the corporation created by the act to which this is an amendment, or of the company succeeding it by virtue of the foregoing section, may deem it expedient to do so, they shall have full power and

Contracts and agreements.

authority to contract for and agree to the use of any embankment or other work of said company by and with any person or persons, corporation or corporations, who may desire to use the same for railroad, turnpike, plankroad, wharf or other useful purposes; however, for no less a consideration than the keeping in repair and preservation of such embankment or other work, free from charges against said company: *Provided*, that the party thus using said embankment or other work of said company shall, without a special contract to the contrary, not be liable for any damage done to the same by a flood, and after reasonable efforts on their part to prevent the same.

Penalties for injury to and destruction of property.

§ 9. If any person shall willfully or maliciously dig down, break down, level, demolish, or otherwise destroy, obstruct or damage any of the levees, embankments, drains or other works, or any part thereof, made or hereafter constructed by the American Bottom Board of Improvement, every person so offending shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before any justice of the peace, be punished by a fine of not less than fifty nor more than one hundred dollars; or, upon conviction thereof before any other court of competent jurisdiction, shall be punished by a fine as aforesaid, or by imprisonment for a term not exceeding one year, or both; and such offender shall also be liable in an action of trespass, to be brought against him, her or them in any court of competent jurisdiction, in the name of such company, occasioned by his, her or their unlawful acts. All fines thus recovered shall be paid into the treasury of said company, to be applied by said company as funds raised by taxation. All members of said company shall be competent witnesses in such suits, and to enable the said corporation to enforce the provisions of this section, power and authority is hereby given to the officers of said corporation who are entrusted by said company with superintending the construction or the preservation of the company's works, respectively, to arrest, without process, any person or persons who, to their knowledge may have committed any offense against the provisions of this section, and shall carry such offender or offenders before a justice of the peace for trial or examination.

Application and disposition of fines, etc.

Arrests.

Conflicting provisions repealed.

Anything in the act, to which this is an amendment inconsistent with the provisions of this act are hereby repealed.

This act shall be a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to legalize the acts of the Board of Supervisors of Richland county. In force Feb. 20, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the acts of the board of supervisors of Richland county, made on the 31st day of January, 1865, providing for and directing the payment of one hundred dollars to each of eighty-six volunteers, thereafter enlisting in the service of the United States for said county, and also the orders thereafter made by said board, authorizing the county clerk of said county to issue bonds or orders for the purpose of raising a bounty fund for said county, and the sale of the same to the amount of nine thousand one hundred and thirty-eight (\$9,138), and also the assessment and collection of the tax in said county for the payment of the same, be and the same are hereby legalized and confirmed; and the board of supervisors of the county of Richland are hereby authorized and required to pay to all who have not received the same the sum of one hundred dollars and interest thereon, from the time of volunteering, to each volunteer for said county, who volunteered after the thirty-first day of January, 1865.

Act of board of supervisors made Jan. 31, 1865, legalized and confirmed.

Supervisors' obligations, etc.

§ 2. This act to take effect from and after its passage.

APPROVED February 20, 1867.

AN ACT to amend the "Act to incorporate a board of trustees for the town of Lake View, in Cook county," approved February 16, 1865. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the township of Lake View, in Cook county, is and shall be a municipal corporation, under the name of the town of Lake View, and may have and use a common seal, and alter the same at pleasure.

§ 2. The supervisor of said town shall be the president, and the clerk of said town shall be the clerk of the board of trustees; and regular meetings of the trustees shall be held at such times and places as they may, by order or resolution, appoint.

§ 3. The supervisor shall be the treasurer, and execute such bond as the board of trustees may direct. The clerk shall perform such duties as may be prescribed by the board of trustees, and the records and certified copies therefrom, or of any paper on file in the office of said clerk, shall be evidence in all courts and places.

§ 4. The board of trustees shall have power to levy taxes on the real estate and personal property assessed in

said town, to pay the expenses authorized by this act and the act to which this is an amendment. Whenever the board of trustees determines on the rate of taxation, the town clerk shall file a certificate thereof with the county clerk, who shall compute and extend the taxes on the real and personal property assessed in said town and returned to him by the town assessor, as in the case of town taxes; and, thereafter, the like proceedings shall be had to collect the same and enforce payment thereof as in the case of other taxes. The money, when collected, shall be paid to the treasurer of the board of trustees, and paid out as may be ordered by said board.

Borrow money. § 5. The board of trustees shall have power to borrow, not exceeding two thousand dollars in any one year, at a rate of interest not exceeding ten per cent. per annum, to enable the town to meet any deficiency or to anticipate the collection of the taxes for the current year.

Town hall and calaboose. § 6. The board of trustees may build a town hall and a calaboose, at such place as they may designate; and for that purpose may borrow money, if necessary, for and in behalf of the town, and levy a tax to pay the expense of procuring a site and erecting either or both of such buildings; but the cost shall not exceed the sum of three thousand dollars, unless the plan and amount be first submitted to the legal voters of said town at any regular election, or any special election ordered by the trustees for that purpose. Whenever a town hall shall be built the town meetings, elections and the meetings of the board of trustees, shall be held at such town hall.

Supervision of highways, etc. § 7. The board of trustees shall have the control and supervision of the highways, streets, alleys, public grounds and parks in said town; any park that may be opened by the North Park commissioners, under an act entitled "An act to provide for the location, improvement and regulation of a certain park therein named," approved February 16th, A. D. 1865; and the overseers of highways shall be subject to the orders of said board.

Duties and powers of trustees. § 8. The board of trustees shall have power to lay out, open, widen, narrow, extend, straighten, alter or vacate highways, streets and alleys, and to cause new or old highways, streets or alleys to be surveyed, platted and recorded. Whenever the board of trustees shall determine to execute any power under this section, the three commissioners of highways shall proceed in the manner provided by the laws in regard to township organization, in force at such time; and the commissioners shall report their proceedings to the board of trustees for examination and confirmation, and, if disapproved, the same shall be of no force, but, if confirmed, the same shall have the like effect as the final decision of the commissioners of highways under the township

organization laws; and an appeal may be prosecuted from the decision of the board of trustees of disapproval or confirmation, in the same manner and with like effect as from the final decision of commissioners of highways.

§ 9. The board of trustees may provide for the expenses of opening, widening, narrowing, extending or altering highways, streets or alleys, and for improving the same, as authorized by the act to which this is an amendment, by general taxation, or for a part thereof, by special assessment, and a part by general taxation, or for the whole, in the manner provided in said act as they may see proper.

Expenses of street improvements.

§ 10. All highways, streets, avenues, alleys, squares, parks or public grounds, marked or noted as such, on any plat, subdivision or map of any tract or parcel of land in said town, heretofore made or hereafter to be made by the owner thereof, and recorded in the office where deeds have been or may be required by law to be recorded, shall be deemed in law and equity a sufficient conveyance to vest the fee simple of all such parcels of land in the town of Lake View, for the uses and purposes expressed or indicated on said plat, in like manner and with the same effect as is provided in section twenty-one, division one, chapter twenty-five, of the revised laws of 1845, entitled "Corporations."

Conveyances of vested property, etc.

§ 11. The board of trustees shall also have power to define and declare what shall be deemed nuisances, and to prevent and abate the same and to provide for the punishment of offenders against any order or ordinance passed concerning the same, by fine or imprisonment, or both; to fix and determine the location of any cemetery which any person or corporation may hereafter desire to establish or to open in the town of Lake View, and to fix the boundaries of any cemetery, and to prevent the interment of the dead in any place not now actually used as a cemetery, or lying within the inclosure of a cemetery now established; to designate the place of holding elections and town meetings until a town hall may be built; to license or regulate saloons, gardens of public resort, and the sale of spirituous, vinous or malt liquors; to prohibit and suppress gaming, houses of ill-fame, horse-racing and all disorderly houses and places; to provide for the punishment of those engaged in fighting, riots or breaches of the peace, or those who may disturb the peace and quiet of any religious assembly or private family; to commence and prosecute or defend any suits or legal proceedings, and to employ attorneys and necessary agents for that purpose; to appoint policemen, define their duties and fix their compensation; policemen, constables and members of the board of trustees may each arrest, without warrant, any person who may be found in the violation of the charter of the town or ordinances passed in pursuance thereof, or who may be suspected of any such

Nuisances.

Punishment of offenders.

Location of cemeteries.

Places of holding elections.

Liquor traffic.

Gaming.

Disorderly houses.

Breaches of peace.

Attorneys, etc.

Policemen and their duties.

Arrests.

offense, and bring the person so arrested before any justice of the peace in said town for examination.

Justices' jurisdiction. § 12. The town shall sue and may be sued by its corporate name. The justices of the peace of the town shall have jurisdiction of all suits or proceedings for a violation of any of the ordinances passed thereunder; warrants and other writs may be served by the constables or policemen of the town anywhere in Cook county. All fines shall be paid to the treasurer of said board.

Keeping open of saloons on Sunday. § 13. It shall not be lawful to keep open on Sunday, in the town of Lake View, any saloon or other place where liquors, ale or beer, shall be sold or given away within twenty-five rods distance from any cemetery, school house or church without the written consent of the superintendent of such cemetery, or the directors of the school district where such school house is situated, or the trustees or vestrymen of such church, as the case may be, and every violation of this section shall be punished by a fine of one hundred (100) dollars, to be recovered before any court of competent jurisdiction, and the license of the offender or offenders shall cease, and be null and void from and after any conviction for any such offense.

Penalties for. Repealed act. § 14. The proviso to section three (3) of the act hereby amended, and all parts of said act inconsistent with this act, are hereby repealed.

Ordinances valid and in force. § 15. The ordinances heretofore passed by the board of trustees are hereby declared valid, and shall remain in force until amended or repealed by said board, and said board of trustees may carry out the powers conferred on them by resolution, order or ordinance; but neither this act nor the act hereby amended shall in any way be construed as giving power to impair the rights of the Lake View avenue company or the powers and privileges granted, or to be granted, to the said north park commissioners.

"Rights of the Lake View avenue Co." Notice of act. § 16. This act shall be a public act, and all courts shall take judicial notice thereof, and it shall take effect from and after its passage.

APPROVED March 5, 1867.

In force March 7, 1867. AN ACT in regard to the Board of Public Works of the City of Chicago.

Construction of previous acts. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That nothing contained in any act of this general assembly heretofore passed shall in any manner be construed so as to repeal section sixteen of an act approved February 15, 1865,*

entitled "an act to amend an act entitled an act to reduce the charter of the city of Chicago and the several acts amendatory thereof, into one act and to revise the same, approved February 13th, 1863."

§ 2. This act shall be a public act, and take effect from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Western Methodist Book Concern of the Methodist Episcopal Church. In force Feb. 14 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Adam Poe and Luke Hitchcock, agents and trustees of the Western Methodist Book Concern and their successors to be chosen as hereinafter provided, be and they are hereby constituted a body corporate and politic by the name of "The Western Methodist Book Concern," and by such name shall have perpetual succession; with power to contract, be contracted with, to sue and be sued, plead and be impleaded; to take and hold, by gift, grant, devise or otherwise, any property, real, personal or mixed; and the same to manage, grant, convey, lease or otherwise dispose of; and to execute such trust or trusts as may be confided to said corporation for the promotion of the objects of this incorporation.

§ 2. The objects of this corporation shall be the publication, diffusion and circulation of moral and religious literature, books, periodicals and publications under the direction and in conformity with the rules and regulations of the general conference of the Methodist Episcopal Church in the United States.

§ 3. The general conference of the Methodist Episcopal Church in the United States shall elect or appoint successors of the said Adam Poe and Luke Hitchcock at any meeting of said conference and shall prescribe the term of their office; and should any person so elected or appointed die or resign or be removed in the interval of said general conference, such vacancy may be filled in such way as said general conference shall prescribe; and said Adam Poe and Luke Hitchcock and their successor and successors in office, shall hold their office, exercise the powers herein conferred and conduct the business of said corporation and manage the concerns and appropriate the funds thereof, in conformity with such rules, regulations and directions as, from time to time, may be prescribed by said general conference.

Failure to elect trustees.

§ 4. A failure to elect trustee or trustees at any time shall not work a dissolution of this corporation.

APPROVED February 14, 1867.

In force Feb. 23
1867.

AN ACT to explain an act therein named.

Construction of
act defining
boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "an act defining the southern boundary lines of Wayne and Edwards counties, and establishing the boundary line of Tazewell county," approved January 22, 1829, shall be construed to mean that the south line of Edwards county shall be ascertained by continuing a line due east to the Wabash river from the south-east corner of section thirteen, township three south, range nine east.

§ 2. This act to be in force from and after its passage.
APPROVED February 28, 1867.

In force March
8, 1867.

AN ACT to authorize the citizens of Orion township, in the county of Fulton and State of Illinois, to change the fund known as the Bounty Fund to the School Fund of said town.

Preamble.

WHEREAS, by an act entitled "an act to enable the citizens of Astoria and Orion townships, in Fulton county, to levy and collect a special tax to pay bounty to volunteers, substitutes and drafted men," approved February 16, 1865, the township of Orion has on hand an unexpended balance from said fund and from individual contribution; that it is desired to change the said fund to the school fund of said town: therefore,

Moneys raised
for bounty fund
transferred to
school funds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the legal voters of the township of Orion, in the county of Fulton and state of Illinois, at the annual town meeting in April, A. D. 1867, may direct, by resolution, that any moneys heretofore raised by tax or individual contribution to pay bounties to volunteers, substitutes or drafted men, shall be paid to the school treasurer of said town and be added to and forever remain a part of the school fund of said town of Orion, township seven (7) north, range five (5) east.

Payment of.

§ 2. If the said fund is so appropriated at said town meeting, as provided in section one, it shall be the duty of all persons having the custody of the aforesaid bounty fund

to pay over the same to the school treasurer on his demand for the same and take his receipt for the same; and upon the refusal or failure of any person holding said fund to pay over the same on demand of said school treasurer, it shall be the duty of said treasurer to institute suit or suits therefor in any court having jurisdiction thereof and ten per cent. per annum shall be added to the amount in such custodian hands, to be calculated from the date of the demand of said school fund treasurer until paid to said school treasurer, and the court having jurisdiction in the case shall so decree.

Suits therefor.

Interest adced.

§ 3. It shall be the duty of the town clerk of the said town of Orion, in putting up notices for the annual town meeting in April, 1867, to insert in said notices that the electors of said town will be called upon to vote by resolution upon the question of changing the fund known as the bounty fund to the school fund of said town; and it shall be the duty of the moderator of said town meeting to cause proclamation to be made at the door of the house in which said meeting is held that the subject of the change of the bounty fund to school fund will be acted upon between the hours of two and four o'clock, P. M., of said day.

Duties of town clerks therein.

§ 4. This act shall be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to authorize and empower the Vincennes Draw Bridge Company to acquire and hold real estate in this state, and to authorize said company to construct their bridge across the Wabash river.

In force February 5, 1867.

WHEREAS, it is represented to this general assembly that the Vincennes Draw Bridge Company is a corporation duly organized and existing under the laws of the state of Indiana for the purpose of erecting, owning and maintaining a toll bridge across the Wabash river from the city of Vincennes, in said state of Indiana, to a point opposite said city of Vincennes, in the county of Lawrence, in this state; and, whereas, it is further represented to this general assembly, that the erection of said bridge will be very much to the advantage and benefit of a portion of the citizens of this state; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Vincennes Draw Bridge Company, be and hereby is authorized and empowered to acquire and hold in this state by purchase or otherwise, all real estate which may be necessary for the purposes of said company, and said company

Possession of real estate.

is furthermore hereby authorized to construct, own and maintain their said bridge across said Wabash river from any point in Vincennes, Indiana, to any point in Lawrence county, in this state, which the officers of said company may select as the terminus of their said bridge in this state.

Writ of ad quod
damnum.

§ 2. *Be it further enacted*, That in the event that the owner or owners of any real estate in this state, which may be necessary for the purposes of said company, refuse to dispose of the same, or the owner or owners and the officers of said company are unable to agree upon the prices thereof, said company may apply to the judge of the circuit court of Lawrence county for a writ of *ad quod damnum*, which shall be issued, directed and proceeded in as herein-after directed: *Provided*, that notice, in writing, of such application be given the owner or owners of such real estate for ten days' before said application is made, by personal service, upon the owner or owners of said real estate, if found in the county, and if not, then by fixing said notice on the court house door of the county.

Issue and ex-
ecution of writ

§ 3. The said writ shall be issued by the clerk of the circuit court upon the order of said judge, and directed to the sheriff of said county, commanding him to summons twelve good and lawful men to meet upon the lands in said writ named, on a day therein to be specified, and ten days' notice of the execution of such writ shall be given by the sheriff to the proprietors of such land, unless the party, his, her or their agent, was present in court, or before the judge when such writ was obtained.

Duties of jury.

§ 4. The jury so empaneled when met, shall be sworn and charged by the sheriff, impartially and to the best of their skill and judgment, to view the lands in said writ described, and shall set apart, by metes and bounds, so much land as they may think necessary for the purpose of said company, having a due regard in such location to the interests of all parties concerned, and shall appraise the same at its true cash value, which inquisition shall be made and signed by all the jurors and returned by the sheriff, with the writ, to the clerk of said court, and at the next term thereof judgment shall be rendered against said company for the value of said lands as assessed by the jury, and upon the payment of said sum, said company may take possession of said lands and proceed with the building of their bridge.

§ 5. *Be it further enacted*, That this act shall be in force from and after its passage, and shall be a public act.

APPROVED February 5, 1867.

AN ACT to legalize the Quincy Railroad Bridge Company, and to facilitate and encourage the construction of a railroad bridge over the Mississippi river at Quincy. In force February 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the consolidation of the Quincy Bridge Company, organized under the laws of the state of Missouri, and of the railroad bridge company organized under the laws of this state for the construction of a railroad bridge across the Mississippi river at Quincy, made by and between said companies by their articles of consolidation, bearing date the twentieth day of November, A. D. 1866, and filed and recorded in the office of the secretary of state of this state on the third day of December, A. D. 1866, and adopting for the said consolidated company the name and style of "The Quincy Railroad Bridge Company," be and the same is hereby legalized, ratified and confirmed, and the said consolidated company, by the name and style aforesaid, shall have, exercise and enjoy all the rights, powers, privileges and immunities which were granted to the Railroad Bridge Company aforesaid, by the original act incorporating the same, entitled "An act to incorporate the Quincy Bridge Company," approved February 10, 1853, and by the act renewing the same, approved February 15, 1865, and copies of the said articles of consolidation certified by the secretary of state, under his seal of office, shall be evidence of the legal existence and organization of the said consolidated company in all courts and places in this state.

Consolidation confirmed and legalized.

§ 2. That the said corporation shall have power to connect any bridge built under the provisions of the act aforesaid and of this act, by the necessary railroad tracks and side tracks with any railroad now constructed or hereafter to be constructed to the city of Quincy, and the second section of an act approved February 15, 1865, entitled "An act to revive an act entitled 'an act to incorporate the Quincy Bridge Company,' approved February 10, 1853," is hereby repealed.

Business powers.

§ 3. That the part of the said railroad bridge which may be built over the Quincy bay so called, shall have a draw over the main channel of said bay with a span for the draw of not less than eighty feet in length, clear of the abutments, and said draw shall be opened upon reasonable signal for the passage of boats, whose construction shall not be such as to admit of their passage under the permanent spans of the bridge, except where trains are passing over said bridge.

Draw and span.

§ 4. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED February 6, 1867.

In force February 12, 1867.

AN ACT to amend an act entitled an act to amend "An act to authorize a company to build a bridge across the Illinois river at the City of Henry, and to amend an act entitled 'an act to authorize a company to build a bridge across the Illinois river at the City of Henry.'"

Act approved February 22, 1861, amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first section of the act to amend "An act to authorize a company to build a bridge across the Illinois river at the city of Henry," approved February 22, 1861, be so amended that the time for building and completing said bridge be extended until the tenth day of January, A. D. 1873.

Section 7 of act approved Feb. 17, 1857, amended.

§ 2. That the seventh section of the act to authorize a company to build a bridge across the Illinois river at the city of Henry, approved February 17, 1857, be so amended that the said city of Henry shall be authorized to subscribe to the capital stock of said bridge company any further sum not exceeding thirty thousand dollars, or may loan the credit of said city to said company for the same sum in the manner, and according to the conditions provided in the said seventh section.

Proviso of section 8 amended

§ 3. That the proviso of the eighth section of the said act be so amended that the amount of stock to be taken by any one town shall not exceed twenty thousand dollars.

Act approved February 17, 1857, amended.

§ 4. That the said act approved February 17, 1857, as amended, be revived and continued in force until the tenth day of January, 1873.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1867.

In force Feb. 13, 1867.

AN ACT to incorporate the Pike and Scott County Bridge Company.

Term.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin D. Brown, James McWilliams, Joseph M. Bush, Ozias M. Hatch, Alexander Starne, William Tunbull, Thomas W. Hollowbush, and William A. Grimshaw, their associates, heirs, successors, and assigns, be and the same are hereby created a body corporate, for the term of fifty years, from and after the passage of this act, by the name of "The Pike and Scott County Bridge Company," with power to build, maintain and use for railroad purposes, a bridge across the Illinois river, at some point between the town of Naples, in said Scott county, and Philip's Ferry, in said Pike county, Illinois, or within one mile of said Naples or

Name.

Location of bridge.

Philips' Ferry, in such a manner as not to materially obstruct or interfere with the free navigation of said river, and to connect such bridge by railroad or otherwise, with any railroad constructed, or hereafter to be constructed in or through said Pike or Scott county; and to contract with any corporation, company or individual for the construction, maintenance or operation of said bridge; and to establish rules and regulations for the government, management and use thereof; to unite and consolidate its franchises and property with any and all railroad companies in the state of Illinois; to fix the amount of its capital stock; to divide, transfer and increase the same; to borrow money and mortgage or pledge its property and franchises; to condemn property, according to law, for the use and purposes necessary in the construction and maintenance of said bridge; to contract, bargain and agree with any such railroad companies for aid in the construction and maintenance of such bridge, and to sell or lease the same, or the use thereof, or the franchises of said company, to any person, company or corporation.

Connections.

Construction of.

Railroad consolidations and connections. Business powers.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 13, 1867.

AN ACT to amend an act entitled "An act to incorporate the Alexander and Pulaski Plank Road and Bridge Company," approved Feb. 21, 1863. In force Feb. 15, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the word "three," in the twelfth section of the said act be stricken out, and the word "fifty" be inserted in lieu thereof; that section thirteen of said act be repealed, and that said "Alexander and Pulaski County Plank Road and Bridge Company" shall have power to construct and maintain such branches in Alexander and Pulaski counties as the board of directors may deem expedient.

Correction of 12th section.

Section 13 repealed.

Power to construct and maintain branches.

§ 2. This act to be in force from and after its passage.

APPROVED February 15, 1867.

In force February 21, 1867.

AN ACT to incorporate the Illinois and St. Louis Bridge Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Gillespie, John M. Palmer, Jesse K. Dubois, William Shepard, John Williams, William R. Morrison, L. A. Parks, Levi Davis, T. B. Blackstone, H. C. Moore, Peter H. Willard, R. P. Tansey, Gustavus A. Koerner, C. P. Heaton, L. B. Boomer, Fred. T. Kraft, L. B. Parsons, Jehu Baker, A. H. Lee, and their associates, successors and assigns be and are hereby created a body corporate and politic, under the name and style of "The Illinois and St. Louis Bridge Company," for the purpose of constructing and maintaining a toll bridge, from any point or place on the Mississippi river, opposite to the city of St. Louis, to the western line of this state, with suitable approaches to such bridge, and all convenient appendages and structures for the same. The said company shall have the power to make and use a common seal, and the same to alter and renew at pleasure, and such other powers, rights, privileges and immunities as may be necessary or useful for the purposes of this act: *Provided*, that there shall be at least fifty thousand dollars expended during the year 1867, in the construction of said bridge.

Corporate name and powers.

Capital stock.

§ 2. The capital stock of the said company shall be one million of dollars, and be divided into shares of one hundred dollars each, and it may be increased from time to time, as a majority of the stockholders may direct, and shall be issued and transferred in such manner; and under such conditions as the directors of the said company shall, by the by-laws thereof prescribe.

Number and duties of board of directors.

§ 3. The corporate powers of the said company shall be vested in and exercised by a board of directors, consisting of such number of persons, not less than three nor more than thirteen, as the stockholders of the said company may from time to time direct. The said directors shall be chosen by the stockholders, at such time and place as may be fixed by the by-laws of the said company, and shall hold their offices for one year, and until their successors are elected and qualified. They shall elect one of their number president of the said company, and may fill any vacancy in the said board, occasioned by death, resignation or otherwise, for the unexpired portion of the term of office so becoming vacant, and may make such rules, by-laws and regulations, and appoint such officers and servants, as they may from time to time deem expedient: *Provided*, that at least one-half of the directors shall be residents of the state of Illinois.

Vacancy.

Books of subscription.

§ 4. The persons named in the first section of this act, are hereby appointed commissioners, who, or a majority of

them, are authorized to open, or cause to be opened, subscription books for the stock of the said company, at such time and place, within or without this state, as they may think proper; and when three hundred thousand dollars shall be subscribed, the said commissioners, or any three of them, may call a meeting of the stockholders, by giving ten days' notice in some newspaper published in St. Louis, or personal notice to each of the stockholders of the time and place of such meeting, and at the same time the stockholders may elect directors and transact any other business. Stockholders' meetings may be held without as well as within this state.

Meeting of
stockholders.

§ 5. The said corporation may transport on said bridge and approaches thereto, persons and property, by steam or otherwise, and may allow others so to do; and said bridge and approaches may be used for every description of travel, passage and transportation, under such rules and regulations, and for such tolls as the directors of said corporation may prescribe. The said corporation may take, receive and collect such tolls for travel, passage or transportation over said bridge and approaches, or either of them, or any part of either of them, as its directors may from time to time fix and establish: *Provided*, the rates charged for ordinary travel shall never exceed the following, to-wit: For each foot passenger over five years of age, five cents; for every person on horseback, twenty cents; for every gig, buggy, or other traveling carriage, drawn by one animal, forty cents; for every cart or wagon drawn by one animal, forty cents; for every cart or wagon drawn by two animals, sixty cents; for every cart or wagon drawn by three animals, eighty cents; for every cart or wagon drawn by four animals, one hundred cents; for every cart or wagon drawn by more than four animals, ten cents extra for each animal; for every hundred pounds of freight over two thousand pounds, five cents; for every pleasure carriage drawn by two animals, sixty cents; for every pleasure carriage drawn by three or four or more animals, one hundred cents; for each head of cattle, horses, mules, or other animals, ten cents; for each head of sheep or swine, five cents.

Transportation,
etc.

Rates of toll.

§ 6. The said corporation shall have power to acquire title to lands, necessary for the construction of said bridge and approaches, and the same power to take materials from lands in the vicinity for the construction and maintenance thereof, and for such purposes shall have and may exercise all the powers conferred by any of the laws of this state for acquiring right of way for railroads, public roads or other public uses, under which the said corporation may take and acquire property heretofore taken or acquired for such uses, as well as other property. The said corporation shall have the exclusive right for twenty-five years of constructing a bridge opposite to the said city of St. Louis, (in the

Title to lands.

county of St. Clair,) over as much of said river as is within the jurisdiction of this state, and shall also have the right to protect the banks of the same, so far as may be necessary to keep the channel within the opening of the bridge, and for that purpose may take and acquire lands and materials in the manner aforesaid: *Provided*, if the bridge herein authorized is not commenced in two years, and completed in five years, this act shall be null and void.

Subscription to stock.

§ 7. Any railroad company, town, city or county shall have power to take and subscribe for, and to purchase and hold stock of said bridge company, and may make such contracts, and execute such securities or other instruments as said railroad companies, towns, cities and counties may respectively deem expedient, relative to such subscription or purchase or to the construction or uses of said bridge.

Consolidation of property, etc.

§ 8. The said corporation may consolidate its property and franchises with the property and franchises of any bridge company, authorized by the laws of Missouri to construct a bridge so as to connect with the one herein authorized, and for that purpose the said corporation may make and execute all such agreements as it may deem expedient, and after such consolidation, the corporation created thereby shall have all the powers herein granted.

Borrowing of money.

§ 9. The said corporation may borrow money at any rate of interest, and issue its bonds or other evidences of indebtedness, bearing such rate of interest and payable at such time or times, and at such place or places as its directors may think proper, and may secure such bonds or other indebtedness by mortgage or deed of trust of the property, tolls and franchises, in such manner as said directors may think fit, and may sell such bonds or other evidence of indebtedness at any rate of discount agreed upon by said directors.

Indebtedness.

§ 10. This act shall be deemed a public one, and shall take effect from and after its passage.

APPROVED February 21, 1867.

In force Feb. 21, 1867.

AN ACT to authorize certain towns in the counties of Will, Kankakee and Grundy to vote for or against a tax for building and repairing the bridge across the Kankakee river, at Wilmington, in Will county.

Preamble.

WHEREAS, a large portion of the people of the counties of Will, Kankakee and Grundy are interested in the use of the wagon bridge across the Kankakee river, at Wilmington, in said Will county; and, whereas, the expense of building and keeping the same in repair is more than should be borne by the said town of Wilmington; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the legal voters of any town or towns of the said counties of

Will, Kankakee and Grundy are hereby authorized, at any town meeting, or special town meeting hereafter to be held in said town or towns, to vote for or against a tax for rebuilding or repairing the bridge across the Kankakee river, at Wilmington, aforesaid; notice of said vote to be given by the respective town clerks of said towns, in the same manner provided by law for calling the annual town meetings.

Legal voters to vote for or against tax for Bridge.

§ 2. Said vote shall be taken by ballot, upon which shall be written or printed, "for the bridge tax," or "against the bridge tax."

Vote taken by ballot.

§ 3. If a majority of said votes shall be cast "for the bridge tax," then it shall be the duty of the supervisor of any town voting for such tax, by conferring with the common council of the city of Wilmington, to ascertain the amount of tax required of such town for the purpose aforesaid, and the amount thus ascertained shall be certified by him, to the county clerk of the county in which said town is situated, who shall cause the same to be assessed upon all of the taxable property of said town, to be collected as other town taxes.

Amount of tax to be ascertained, and how collected.

§ 4. The amount of tax thus collected shall be paid into the city treasury of the city of Wilmington, to be used in building, finishing or repairing said bridge, and shall exempt said town from the payment of tolls for crossing said bridge.

To be paid into city treasury of city of Wilmington.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to incorporate the Lacon Bridge Company.

In force Feb'y 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Doric G. Warner, John M. Shields, George F. Wiehtman, D. Erastus Thomas, William J. Fort, Spencer Ellsworth, Alonzo Roberts, Joseph B. Chandler, John Burns, Jacob S. Mohler, William Fairbanks, James St. C. Boal, and Washington E. Cook, and all such persons as shall hereafter become stockholders in the company hereby incorporated, and their successors and assigns are hereby created a body politic and corporate, with perpetual succession, under the name and style of the "Lacon Bridge Company," for the purpose of erecting and maintaining a bridge across the Illinois river at the city of Lacon, county of Marshall, and by that name and style are hereby made as capable in law as natural persons, to contract and be contracted with, sue*

Corporators.

Name.

Purposes.

Powers.

and be sued, plead and be impleaded in all courts of law and equity, to make and use a common seal, and to alter or amend the same at pleasure, and generally to do and execute all acts, matters and things which a body politic or corporate, or an individual may lawfully do, and the said company shall in law be capable of purchasing, holding and conveying any estate, real or personal that may be necessary to enable said company to accomplish the objects of this incorporation as above expressed, and the stock of said company shall be deemed personal property, and may be subscribed for, issued and transferred, as the directors of said company may by their by-laws prescribe.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, but may be increased by resolution of the directors of said company to the sum of one hundred and fifty thousand dollars, should they deem such increase necessary for the purposes of this law, and said capital stock shall be divided into shares of one hundred dollars each.

Names of commissioners.

§ 3. That said Doric Warner, John M. Shields, George F. Wightman, D. Erastus Thomas, William J. Fort, Spencer Ellsworth, Alonzo Roberts, Joseph B. Chandler, John Burns, Jacob Mohler, William Fairbanks, James St. C. Boal, and Washington E. Cook, are hereby appointed commissioners to open books for the subscription to the capital stock of said company, at such times and places as they may deem proper.

City council may subscribe to capital stock

§ 4. The city council of the city of Lacon shall have power, and is hereby authorized to subscribe to the capital stock of said company any sum not exceeding twenty-five thousand dollars: *Provided*, that a majority of all persons who are legal voters in said city and who have paid a city tax exceeding two dollars in each of the two preceding years, shall vote for said subscription at an election to be called for that purpose, by the said council upon a notice of at least twenty days, which election, subscription for stock, issued form and delivery of bonds, be conducted and carried out as provided by general law for subscription to railroad companies: *And provided further*, that said subscriptions shall be in nowise binding, or any bonds issued or delivered to said bridge company or other person, or any sum paid by said city, until said bridge is completed and open to the public use, upon payment of the toll hereinafter provided.

Appointment of directors.

§ 5. Whenever fifty thousand dollars shall have been subscribed, the said commissioners may call a meeting of the stockholders at Lacon, aforesaid, by posting up written notices of the time and place of holding such meeting in three or more public places in Lacon aforesaid, at least twenty days before the time of such meeting for the purpose of choosing five directors of said company.

§ 6. At the time and place so appointed for such meeting, said commissioners, or a majority of them, shall act as inspectors of said election, and the stockholders shall elect five persons as directors of said company, for one year, and until their successors be chosen; said inspectors, or a majority of them, shall certify under their hands, the result of said election, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence in all places of such election therein named. At the aforesaid and all other elections for directors the voting shall be by ballot, and the result shall be determined by a plurality of votes cast, and each stockholder shall be entitled to one vote for each share of stock he or she may own at the time, which vote may be cast by the voter in person or by duly authorized proxy, and none but shareholders shall be eligible as directors. An election for five directors shall be held annually after the first election, on the first Monday of January. All vacancies occurring among the directors during any current year shall be filled by appointment by the other directors, or a majority of them. If an election should not be held at the time above specified, in that behalf, such election shall be held at any subsequent time under the by-laws of the company; immediately after said first election said commissioners shall deliver to the directors the subscription books and all money received by them.

Election of directors.

§ 7. The directors shall choose one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers, agents and servants as may be necessary, and to prescribe all necessary by-laws, rules and regulations for the government of said company and the carrying out of the purposes of this act.

President.

§ 8. Said bridge company are hereby authorized and empowered to build, erect, construct and maintain a bridge across the Illinois river, at Lacon, aforesaid, for the transportation of persons, of wagons, carriages and other vehicles, horses, cattle and other animals under the restrictions hereinafter provided, and shall have, forever, the right to toll the same not exceeding the rates herein specified.

Authority and powers of company.

§ 9. Said company shall commence the building said bridge within two years, and complete the same within five years from the passage of this act, and shall locate the said bridge at and upon such place or point across the Illinois river aforesaid, as the directors of the company shall deem most eligible in that behalf, within the corporate limits of said city of Lacon, and said company is authorized and empowered to obtain the right of way at and from either or both ends of said bridge to any public road or roads necessary for the use of said bridge either by purchase or in manner prescribed by law for obtaining the right of way for public roads, canals, railroads or other public works, and to acquire

Time of building.

Right of way.

by grant or purchase of any private roads or bridges that may now lead to either end of said bridge.

Toll-gates and houses.

§ 10. Said company is hereby authorized and empowered to place a toll-gate and toll-house at either end or both ends of said bridge, and to demand and receive for passing over the same, or any part thereof, not exceeding the following rates, viz: For each two-horse wagon, carriage or other vehicle drawn by two animals, twenty-five cents, and for every additional animal attached thereto, ten cents; for each one-horse wagon, carriage or other vehicle drawn by one animal, twenty cents; for each horse or other animal and rider, ten cents; for each head of horses, mules, asses, or cattle not driven in a team or teams, five cents each; and for each head of swine or sheep, three cents; and for each person, man, woman or child on foot, five cents: *Provided*, said company may double the above rates of toll after ten o'clock in the evening, and before daylight in the morning.

Rates of toll.

Repairs, etc.

§ 11. Said company shall at all times, after the completion of said bridge, keep the same in good order and repair, with a safe and convenient passage to and from the same, unless the same shall be carried away or materially injured by high water or other casualty, and then the same shall be as speedily rebuilt or repaired as the finances of said company will permit.

Obstruction of navigation.

§ 12. The said company shall build such bridge in such a manner that it shall not materially obstruct navigation on the Illinois river; and it shall be constructed with a convenient draw, at least one hundred feet wide, for the passage of steamboats and other vessels; and shall keep good and sufficient lights on each side of said draw, at all proper times; and shall also keep some suitable person or persons at the said bridge, who shall open said draw when it may be necessary for the passage of any steamboat or other vessel passing up or down said river, free from expense to the owner thereof.

Lights.

Exclusive privilege for twenty years.

§ 13. No other wagon bridge shall be built across said river within one mile above or below the city of Lacon, for twenty years from the completion of the bridge herein authorized to be built: *Provided*, that said company shall comply with the provisions of this act in relation to the erection and keeping in repair of the bridge herein provided for.

Penalties for obstruction.

§ 14. The said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges in any manner.

§ 15. If any person shall willfully or negligently do, or cause to be done, any injury to said bridge, such person or persons so offending shall be liable to pay to said company not less than thrice the amount of such injury, to be recov-

Penalties for injury, etc.

ered by said corporation, with costs of suit in an action of trespass, in any court having competent jurisdiction thereof.

§ 16. Any person passing over said bridge or any part thereof, and refusing to pay toll, or passing over the same or any part thereof, with any beast or animals at a pace faster than a walk, and any person violating any of the regulations of said company posted, as hereinafter provided, shall forfeit and pay to said company ten dollars for each offense, to be recovered by an action of debt before any justice of the peace or other officer having jurisdiction therein: *Provided*, said company shall have posted up in some conspicuous place at each end of the bridge, printed or painted in large letters, said regulations, and a notice forbidding the crossing of said bridge faster than a walk.

Bridge regula-
tions, etc.

§ 17. Said company shall have power to borrow money not exceeding one-half of the amount of their capital stock, for the purpose of building said bridge or keeping the same in repair, at any rate of interest not exceeding ten per cent. that may be agreed on between the parties, and may mortgage said bridge and its tolls for that purpose and for no other.

Indebtedness.

§ 18. It shall be lawful for the directors to make calls upon the sums subscribed to said capital stock at such times and in such amounts as they shall deem fit, not exceeding the rate of twenty-five per cent. per month, giving at least twenty days' notice of each of said calls, by posting up at least five notices in public places in the vicinity of said bridge, or by publication in some newspaper published in the county of Marshall, and in case of failure of any stockholder to make payment of any such call for sixty days after the same shall have become due, the directors are hereby authorized to declare said stock, so in arrears, and all sums paid thereon forfeited to the company, or said directors may enforce the payment of the whole amount subscribed by said stockholder according to law.

Calls for sub-
scription to
stock.

§ 19. The right is hereby given to the said company to build and maintain proper approaches and embankments at each end of such bridge, and to build and maintain a road from the west end thereof to or towards the town of Sparland, in the county of Marshall.

Embankments,
approaches,
etc.

§ 20. The further right is given to the said company to carry passengers, goods and chattels across the said river, at Lacon, aforesaid, upon a ferry boat or boats, whenever, from any cause such bridge may become impassable, or when it may be necessary to repair or rebuild the same, and for so carrying such passengers, goods and chattels the said company may demand and receive the same tolls which may by law be payable for passing over such bridge.

Ferry boat
privileges.

§ 21. The said company is further empowered to take, by gift, grant or devise, and to hold, use and enjoy, all or any part or parts of the rights, franchises and other real,

Gifts, grants,
etc., to be re-
ceived.

Previous personal franchises, etc.

personal and mixed property, following, that is to say, the franchises granted by the general assembly of this state to William Fisher, Jabez Fisher and Nathaniel G. Chapin, their heirs and assigns, by an act entitled "An act to establish a ferry across the Illinois river at the town of Lacon, in the county of Marshall," approved February 12, 1849. The franchise granted by the said general assembly to Silas Ramsey, his heirs and assigns, by an act entitled "An act to establish a ferry across the Illinois river at the city of Lacon," approved February 15, 1855, any other right or rights, franchise or franchises for a ferry or ferries across the said river at Lacon, aforesaid, all the rights, privileges, lands, roads, road franchises, embankments, bridges, culverts, boats, cables, rigging, tackle and other real or personal and mixed property, unto the said franchises, or any or either of them, in any manner appertaining; and all the real estate mentioned and described in a certain deed of conveyance made by Jabez Fisher and Nathaniel G. Chapin and their respective wives, to William Fisher, dated March 19, 1857, and recorded in the recorder's office of the said county of Marshall, in book V, page 334, and following pages, as well the lands reserved as those conveyed by the said deed, and the said company is also empowered to grant, bargain, sell, convey, demise, lease or otherwise dispose of all, or any part or parts of the rights, franchises and other real, personal and mixed property above in this section, either particularly or generally, mentioned, in such manner and upon such terms as such board of directors may appoint.

Authority of city to purchase bridges, etc.

Valuation.

Commissioners of purchase.

§ 22. The legal authorities of the city of Lacon, or of the county of Marshall, shall have the right, at any time, to purchase the bridge which may be erected under this act, at a fair valuation, to be determined by three disinterested persons: one to be chosen by said bridge company, one by said city or county, as the case may be, and the third be selected by the two so chosen; and in case they can not agree upon a choice, the circuit court of said county shall select a third person, *Provided, however*, said city or county, as the case may be, shall reimburse said bridge company for all money laid out and expended for the purchase and improvement of all ferry franchises, roads, embankments, real estate and other bridges, property appertaining thereto.

§ 23. This act shall be deemed a public law, and take effect from and after its passage.

. APPROVED February 21, 1867.

AN ACT for the construction of a bridge across Fox river at Ottawa. In force Feb. 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John Hise and Jackson R. Shaver, of the town of Rutland, and Thaddens Hampton, Henry L. Brush, of the town of Ottawa, and Charles H. Force, of the town of South Ottawa, be, and they hereby are appointed commissioners to erect a bridge across Fox river, at such place as they may select, between Lyman's Mound and River street, in Ottawa Centre, in the city of Ottawa, and to cause the amount necessary to be expended therefor to be raised by taxation, as hereinafter mentioned, in one or two years, as said commissioners may deem most expedient.

Commissioners' duties and authority.

§ 2. Said commissioners, or a majority of them, shall cause this act to be published in one of the newspapers printed in the city of Ottawa, and shall thereafter cause notice to be given by publication in two newspapers printed in said city, for four weeks successively, of a time when a special town meeting shall be held, at the usual places of holding such elections, in the towns of Rutland and Ottawa, to determine whether said bridge shall be built. At said meetings the election shall be by ballot; on each of which shall be written or printed the words "for the bridge" or "against the bridge," and if the aggregate majority of all the votes cast in both towns, shall at any election be "for the bridge," the same shall be constructed by said commissioners, or a majority of them. In case of a failure to obtain such majority for the bridge, said election may be repeated in the same manner on two future occasions, not less than six months apart.

Publication of time of election to determine the building of bridge, etc.

§ 3. Whenever the majority shall be for the bridge, as mentioned in the last section, said commissioners, or a majority of them, shall adopt a plan for said bridge, and estimate the probable cost of the same, with its embankments, and make report to the board of supervisors of said county of the sum deemed by said commissioners necessary to construct the said bridge and embankments, and the year or years in which it shall be levied; and said board of supervisors shall cause said sum to be levied and collected by taxation of all the property subject to taxation in said towns of Ottawa and Rutland, in the same manner that town taxes are now levied and collected by law, and the amount shall be paid by said collectors to said commissioners, and be expended by said commissioners, or a majority of them, in the construction of said bridge and embankments. In case there shall happen to be a deficiency in the amount, said deficiency shall be reported by said commissioners, or a majority of them, to said board of supervisors, and the same shall be levied and collected and expended as aforesaid; and

Plan of bridge.

Costs to be levied by taxation.

Deficiency of funds for construction.

Accountability
of commission-
ers.

said commissioners, or a majority of them, shall, when said bridge shall have been completed, make report to the town clerks of both said towns of the manner in which they have discharged their duty under this act, with an account of their receipts and expenditures.

Repairs.

§ 4. Said bridge and embankments, when completed, shall be maintained and kept in repair by the commissioners of highways of the towns of Ottawa and Rutland; and said commissioners of highways shall together constitute a joint board therefor. The ordinary road tax, however, shall be expended in the proportion of one-third by Rutland and two-thirds by Ottawa; and in case the amount needed to repair or rebuild said bridge and embankments, shall be more than can be raised by said ordinary road taxes, the amount may be reported by the board of commissioners mentioned in this section, to said board of supervisors, and be levied and collected by said board as heretofore mentioned, and be paid to and expended by the board of commissioners in this section mentioned, as the sum raised to construct the bridge was by the first named commissioners.

Vacancy.

§ 5. In case a vacancy [shall happen] by death or removal from the county of any one or more of the commissioners named in section one, the remaining members may fill the same by appointment.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

In force April
25, 1867.

AN ACT to amend an act entitled "An act legalizing the sale of the bridges, property, franchises, etc., of the Rock Island and Camden Plank Road Company to the City of Rock Island."

"Macadamized
roads."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Rock Island shall have power to build and maintain a macadamized road instead of a plank road on the line and within the limits authorized by the charter of the Rock Island and Camden Plankroad Company.

Disposition of
tolls.

§ 2. That said city of Rock Island may, by ordinance or resolution, set apart the tolls arising from such road or bridges and cause the same to be kept as a special fund to be appropriated exclusively to the payment of the interest upon the debt of said city incurred for the purchase of said bridges and corporate rights, and the ultimate payment of said debt, and the payment of the current expenses of supporting and keeping said bridges and road in repair, and the expense of constructing said road.

APPROVED February 25, 1867.

AN ACT to incorporate the Pike County Bridge Company.

In force March
1, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Chauncey L. Higbee, Scott Wike, Benjamin D. Brown, Murray McConnell, Alexander Starne, George Wike and Ozias M. Hatch, their associates, successors, heirs and assigns, be and the same are hereby created a body corporate, by the name of "The Pike County Bridge Company," with power to build, maintain and use, for railroad and other purposes, and as a public highway, a bridge over the Mississippi river, or that portion within the jurisdiction of Illinois, within and opposite to the county of Pike, near to or at the town of Douglasville, in the state of Illinois, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect such bridge, by railroad or otherwise, with any railroad or public road, either in the state of Illinois or the state of Missouri terminating at or near the town of Douglasville, or at or near to the city of Hannibal, in the state of Missouri; and to contract with any corporation or municipal authorities in either of the states of Illinois or Missouri for the construction and maintenance of said bridge, and to establish rules and regulations for the government, management, and use thereof; to unite and consolidate its franchises and property with any and all bridge and railroad companies in either of said states; to fix the capital stock; to divide, transfer, and increase the same; to borrow money, and pledge or mortgage its property and franchises; to condemn, according to law, right of way, property, and stone and earth for the uses and purposes of said company; to contract, bargain and agree with any such railroad companies for aid in the construction and maintenance of said bridge; and to sell or lease the same, or the use thereof, or the franchises of said company, to any company or corporation; and said corporation hereby created, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, in their corporate name, in all courts and places; to have a common seal, and change the same at pleasure; and they shall have the exclusive right to do and perform all the acts hereinbefore enumerated.

Name.

Location.

Powers and priv-
ileges.

§ 2. The company hereby incorporated shall have perpetual succession: *Provided*, that said company shall commence work within seven years and finish within twelve years after the passage of this act.

Perpetual suc-
cession.
Proviso.

§ 3. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 1, 1867.

In force Feb. 28 1867. AN ACT to authorize certain towns therein named, in Bureau county, to raise money to build a bridge across Green river.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the towns of Fairfield, Mineral and Concord, in Bureau county, be and are hereby authorized and empowered to raise money in the manner now provided by law to raise money for road purposes, for the purpose of building a bridge and constructing a pike across Green river and its marshes in the town of Gold, in said county, and keep the same in repair.

Towns named.

Purpose.

§ 2. This shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 28, 1867.

In force March 6, 1867. AN ACT to incorporate the Alton and St. Charles county Bridge Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That H. C. Moore, David Gillespie, Leon Davis, John J. Mitchell, H. S. Baker, M. G. Atwood, H. W. Billings, Z. B. Job, and William Sheppard, their associates and successor, are hereby constituted a body corporate and politic by the name of the "Alton and St. Charles county Bridge Company," for the purpose of constructing and maintaining a toll bridge from any point in Madison county, State of Illinois, to any point or place on the Mississippi river opposite thereunto in Missouri; with suitable approaches to said bridge and all convenient appendages and structures for the same. The said company shall have power to make and use a common seal, and the same to alter and amend at pleasure; and such other powers, rights, privileges and immunities as may be necessary or useful for the purposes of this act.

Corporators.

Name.

Purpose.

Powers.

Capital stock.

§ 2. The capital stock of the said company shall be one million dollars and be divided into shares of one hundred dollars each and it may be increased, from time to time, as a majority of the stockholders may direct.

Stock subscription.

§ 3. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of them, are authorized to open, or cause to be opened subscription books for the said company, at such times and places within the state as they may think proper; and when three hundred thousand dollars shall be subscribed the said commissioners, or any three of them, may call a meeting of the stockholders by giving ten days' notice in some newspa-

per published in St. Louis or Alton and at the same [meeting] the stockholders may elect directors and transact any other business.

§ 4. The corporate powers of the said company shall be vested in and exercised by a board of five directors, who shall be chosen by the stockholders at such time and place as shall be fixed by the by-laws of said company and shall hold their office for one year and until their successors shall be elected and qualified. They shall elect one of their number president of said company and may appoint other necessary officers and agents.

§ 5. The said corporation may transport on said bridge and approaches thereto, persons and property by steam or otherwise and may allow others so to do; and said bridge and approaches may be used for every description of travel, passage and transportation, under such rules and regulations and for such tolls as the directors thereof may prescribe, not to exceed those charged by the bridge charters at East St. Louis. The said corporation may take, receive and collect such tolls for travel, passage and transportation over said bridge and approaches thereto or any part thereof as its directors may from time to time determine.

§ 6. The said corporation shall have power to acquire title to land necessary for the construction of said bridge and approaches; and the same power to take materials from land in the vicinity for the construction and maintenance thereof and for such purpose shall have and may exercise all the powers conferred by any of the laws of this state for acquiring right of way for railroads, public roads or other public uses, under which the said corporation may take and acquire property heretofore taken or acquired for such uses, as well as other property and shall also have the right to protect the banks of the same so far as may be necessary to keep the channel within the opening of the bridge, and for this purpose may take and acquire lands in the manner aforesaid.

§ 7. The said corporation may consolidate its property and franchises with the property and franchises of any bridge company authorized by the laws of Missouri to construct a bridge so as to connect with the one herein authorized; and for that purpose the said corporation may make and execute all such agreements as it may deem expedient, and after such consolidation, the corporation created hereby shall have all the powers herein granted.

§ 8. The said corporation may borrow money at any rate of interest and may secure payment of its bonds or other indebtedness, by mortgage or deed of trust of its property, tolls and franchises in such manner as the directors may think fit. This bridge shall be commenced in two and finished in five years, or this act shall be void.

§ 9. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED March 6, 1867.

In force March 7, 1867. AN ACT to authorize the town of Ottawa, in La Salle county, to erect two bridges across the Illinois and Michigan Canal.

Commissioners	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Joseph O. Glover, Lorenzo Leland, and Albanus E. Grow, of said town of Ottawa be and they are hereby appointed commissioners to erect two bridges across the Illinois and Michigan canal, with the necessary embankments and approaches thereto, in the city of Ottawa, one of said bridges to be located on some street east of LaSalle street, and the other on some street west of the side cut; and to cause the amount of money necessary therefor to be raised by taxation, as hereinafter mentioned. Said bridges, when constructed, shall be maintained, repaired and if (pivot bridges shall be built) opened for the passage of boats, by the city of Ottawa: <i>Provided</i> , said bridges shall not be built until plans of the same shall be submitted to the board of trustees of the Illinois and Michigan canal (or their successors) and be approved by them.
Location of bridges.	
Expenses to be raised by taxation.	
Purposes of.	
Proviso.	
Duties of commissioners.	§ 2. It shall be the duty of said commissioners to cause voth of said bridges, with the necessary embankments and approaches thereto, to be constructed and paid for by taxation, as follows: after having determined upon the plans thereof and ascertained the cost, said commissioners shall make report to the board of supervisors of LaSalle county, of the sums of money necessary for the construction thereof; and thereupon it shall be the duty of said board of supervisors to cause the sums of money so reported to be levied and collected in the next ensuing, in the same manner that other town taxes of the said town of Ottawa are now levied and collected by law; and said sums of money when so collected shall be paid to said commissioners and shall be a fund to be used by said commissioners for the erection of said bridges and the embankments and approaches thereto; and in case the said bridges, with the embankments and approaches thereto, should cost more than the sum of money reported, the deficiency may be raised in the same manner as the original amount was.
Duties of supervisors.	
Disposition of moneys.	
Cost of.	
Commissioners' reports.	§ 3. After said bridges shall have been completed, said commissioners shall make a report to the town clerk of said town, of the manner in which they have discharged the duties imposed upon them by this act.

§ 4. The trustees of the Illinois and Michigan canal are hereby authorized and requested to contribute such sums toward the construction of said bridges as may be just and equitable.

Illinois and
Michigan Canal
contributions.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT authorizing the city of Lacon to subscribe to the capital stock of the Lacon Bridge Company. In force March 7. 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Lacon, in the county of Marshall and state of Illinois, is hereby authorized to subscribe to the capital stock of the Lacon Bridge company, the sum of twenty-five thousand dollars and to pay their subscription to said company, issue the bonds of said city in sums of not less than five hundred dollars each, bearing eight per cent. per annum interest payable annually, and said principal payable one-half in ten years and one-half in twenty years from the date of the issuing of said bonds, said bonds to be signed by the mayor of said city and the city clerk, and sealed with the seal of said city and to have interest coupons attached to the same.

Amount of.

Bonds.

Rate of interest
on.

How signed and
sealed.

§ 2. *Be it further enacted,* that if fifty legal voters and tax payers of said city of Lacon, shall present to the mayor of said city, a petition requesting the mayor to call an election to vote for and against said subscription, it shall be the duty of the mayor to give notice of an election to be held within said city to vote for and against subscription to said Bridge Company, which notice shall be given the same length of time, the election conducted, and returns made in the same manner provided for general elections in said city. The tickets used at said election shall have printed or written or partly printed and partly written upon them the words "for subscription" or "against subscription" and if the majority of the votes cast at said election should be for subscription, the mayor shall subscribe said twenty-five thousand dollars to the stock of said company and issue the bond of said city as herein provided and the sum of money so subscribed and the interest to become due thereon, shall be a lien upon the real estate in said city, until paid; *Provided,* also, that said bridge company shall receive the bonds of said city in payment of the said city subscription to the stock of said company at par.

Petition for
election for
subscription.

Notice of.

How conducted

Form of tickets

Mayor to sub-
scribe and is-
sue bonds.

Liens.

Proviso.

§ 3. This act to be deemed a public act and to be in full force and effect from and after its passage.

APPROVED March 7, 1867.

In force March 8, 1867. AN ACT to provide for the collection of tolls upon the bridge across the Illinois river opposite La Salle, and the disposition of the moneys arising therefrom.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the

Appointment of commissioners of the town of LaSalle or of Eden in La Salle county, for the purpose of superintending and taking charge of the wagon bridge across the Illinois river opposite La Salle, who shall, with the consent of the legal voters of the town of La Salle in La Salle county, expressed either at any annual town meeting, or at a special town meeting called for that purpose, be authorized and empowered to levy and collect a toll of each person, carriage, buggy, wagon or other vehicle, drawn by horses, mules, oxen, or other animals, and of each person riding or driving any horse, mule, ass, ox, cow, heifer, calf, sheep or swine upon, over or across said bridge, to be fixed by such commissioners not exceeding the following rates for each time of crossing, viz:

Rates of toll. For each foot passenger, 03; for each carriage, buggy, wagon or other vehical, drawn by horse, mule, ox or other animal, not more than two to each vehicle, for each crossing and recrossing the same day, 10; for each additional animal, 05; for riding or driving any horse, mule, ass, ox, cow, heifer or calf, 05; for driving sheep or swine, each, 02;

Collection of. The tolls thus fixed by such commissioners may be collected either by the commissioners in person, or some person appointed by them for that purpose, such commissioners shall hold their office during good behavior; and any vacancy occurring in the board may be filled by the governor, *Provided*, however, that the governor being satisfied that any or either of such commissioners have failed, neglected or refused to discharge the duties imposed upon them by this act, or have acted partially or fraudulently, or have removed from said towns shall have the power, and he is hereby expressly authorized and required to remove them or either of them, and appoint their successor or successors.

Vacancy of commissioners —how filled. Proviso. § 2. It shall be the duty of said commissioners to take charge of said bridge, keep the same in repair, improve and rebuild the same when necessary, if funds sufficient for that purpose shall come into their hands or be available under the provisions of this act, and invest the money arising from

Duties of commissioners.

the tolls provided for in the preceding section, except such portion thereof as are, or shall be needed for the repair, rebuilding or improvement of said bridge, or for the wages or hire of any toll collector or workman upon said bridge, and less the commissions and expenses hereinafter provided for, in bonds of the government of the United States, of the state of Illinois, or of the said county of La Salle, at their current market value, as often as once in every six months, the interest accruing upon such bonds to be invested in like manner, it being the object and intention of this act to keep the tolls collected on said bridge, so invested as to be available at all times as a fund for rebuilding, repairing and improving said bridge as often as necessary.

§ 3. Whenever it shall be necessary for any reason to rebuild, repair or otherwise improve said bridge, and there shall not be a sufficient sum for that purpose on hand from the tolls collected since the last investment thereof, it shall be the duty of said commissioners to sell so much and such parts of said bonds at their current market value, as shall be sufficient to meet the expenses for rebuilding, repairing or improving said bridge.

Bridge improve-
ments.

Sale of bonds.

§ 4. If it shall be necessary to rebuild or repair said bridge at a cost exceeding the amount of money on hand arising from such tolls, it shall be the duty of said commissioners to make a careful estimate of the cost of so rebuilding or repairing the same, and from the total cost deduct the amount of such toll money on hand, and certify the amount of the probable difference to the county clerk of La Salle county, whereupon it shall be the duty of said county clerk to levy a tax upon the assessed value of the real and personal property of the town of La Salle, for a sum sufficient to cover the amount of such deficiency, together with the costs of collecting the same; such tax to be denominated special bridge tax, and to be collected at the same time, and in the same manner as the state, county and town taxes are collected, and when collected, to be subject to the order, control and disposition of said commissioners: *Provided*, however, that the tax provided for in this section, shall not exceed one and one-half per cent. upon the assessed value of the real and personal property in said town, for any given year.

Estimates
costs of
building. of re-

Difference.

Taxes.

"Special bridge
tax."

Collection of.

Proviso.

§ 5. The town of La Salle, may, however, if the legal voters thereof shall so determine at any annual or special town meeting called for that purpose, levy an additional tax to that provided for in the preceding section, for the purposes therein contemplated; and the towns of Eden and Hope, in said La Salle county, are hereby authorized by their electors, at any town meeting held or called in pursuance of law, to levy, extend and collect a special bridge tax to assist in rebuilding or repairing said bridge, in such sum or sums as they may see proper, whenever in their judg-

Additional tax

ment it shall or may be necessary so to do, which said taxes when collected shall be paid to the commissioners hereinafter provided for.

Commissioners' oath of office. § 6. The said commissioners shall, before entering upon the discharge of the duties of their office, each take an oath of office, and shall give bonds for the faithful discharge of the duties of their office and the proper and faithful investment and disbursement of all moneys that may come into their hands, the amount of such bonds shall not be less than five thousand dollars, and may be increased to such sum as the governor shall designate from time to time; and if at any time they or either of them shall fail to give additional bonds or additional security if ordered so to do by the governor, he may declare their office vacated, and fill the same by appointment. Said bonds shall run in favor of the people of the state of Illinois, for the use of the town of La Salle, and be approved by the judge of the county court for the county of La Salle.

Treasurer. § 7. Said commissioners shall elect a treasurer who may be one of their own number, who shall also take a proper Oath and bond of. oath of office and give bonds for the faithful discharge of his duties, and the disbursements of the moneys that may come into his hands; said bond to be in such sum as shall be fixed by said commissioners: *Provided*, however, that the same shall not be for a less sum than ten thousand dollars and must in all cases be double the amount of money that will probably come into his hands; such bonds shall be payable to said commissioners, and may be increased by them from time to time, or they may require additional security; and they may remove such treasurer and appoint his successor at pleasure.

Rebuilding bridge. § 8. Whenever it shall be necessary for said commissioners to rebuild, repair or improve said bridge at an expense exceeding the sum of five hundred dollars, they shall cause plans and specifications of the work to be done, to be prepared, shall advertise for sealed proposals to do the same, in some newspaper published in the city of La Salle, and in such other newspapers as they may elect for not less than two weeks, referring in such advertisements to the plans and specifications, and giving the general character of the work to be done, and designating a time and place at which the same will be opened, and at the time and place thus designated, they shall award and let the work to the lowest bidder, provided he will give good and sufficient bonds for the performance of his contract: *Provided*, however, they may if they think best so to do, adjourn the letting, re-advertise for bids, or refuse to award the contract.

Awards. § 9. The bids provided for in the preceding section shall be sealed and kept sealed until the time for opening the same shall have arrived, and neither said commissioners

Plans and specifications.
"Sealed proposals."

Proviso.

nor any one else, except the maker of the same, shall be allowed to know their contents, and any one violating the provisions of this section, shall be liable to a penalty of five hundred dollars for each offense, one-half of which shall go to the person who will first sue for the same, and the balance shall be paid into the school fund of said town of La Salle, and if a commissioner or an agent of said commissioners be the person so offending, he shall, upon conviction thereof, be immediately removed from office.

§ 10. If said commissioners, or either of them shall willfully fail, refuse or neglect to discharge the duties of their respective offices, or if the treasurer they may appoint shall willfully fail, neglect or refuse to discharge the duties of his office, or if any toll collector, appointed by them, shall fail, neglect or refuse to pay over moneys collected by him upon said bridge for tolls, the person or persons thus offending, shall upon conviction, be fined not less than twenty-five, nor more than five hundred dollars for each offense.

Failures
office. in

Penalties for.

§ 11. The said commissioners shall be allowed as fees for performing their said duties, a commission of two per cent. each upon all moneys that may be collected upon said bridge for tolls, and the treasurer they may appoint shall be allowed a commission of one per cent. upon all moneys that may come into his hands.

Commissioners'
fees.

§ 12. Any inhabitant of said town of La Salle, residing on the south side of the Illinois river, who has paid a tax for the building or repairing of said bridge, shall not be required to pay any toll for crossing or recrossing on said bridge by himself or herself, or any member of his or her family, or his or her stock or teams, for the period of one year from the date on which said commissioners shall take possession of said bridge by virtue of this act.

Payment
tolls. of

Possession
bridge. of

§ 13. The said commissioners provided for by this act, shall not take possession of said bridge, until those who may have legal title or claim to the ferry franchise across the Illinois river at Shippingsport, in said town of La Salle, shall in writing assent to the provisions of this act, and release all claim to said franchise, or ferry privilege, and to all damages or forfeitures which might result from the possession of said bridge by said commissioners, according to the provisions of this act.

Claims to titles.

Release of.

§ 14. This act shall be taken and deemed a public act, shall be liberally construed in all courts and places, and shall be in force from and after its passage.

APPROVED March 8, 1867.

In force March 9, 1867. AN ACT to extend the time of commencement and completion of the Dubuque and Dunleith Bridge Company.

Act approved Feb. 14, 1857, extended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled an act to incorporate "The Dunleith and Dubuque Bridge Company," approved February 14, 1857, be and the same is hereby extended for the commencement and completion of said bridge for and during the period of ten years, and this act to take effect and be in force from and after its passage.

APPROVED March 8, 1867.

In force March 9, 1867. AN ACT to authorize certain towns therein named to borrow money, and levy taxes in aid of building a bridge across the Kankakee river.

May borrow money.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boards of town officers of the towns of Momence and Ganeer, in the county of Kankakee be and they hereby are authorized and empowered to borrow money in a sum or sums not exceeding in total amount ten thousand dollars, for each of said towns, and to issue the bonds of said towns respectively therefor; said bonds to be made payable on or before the expiration of twenty years from date, and to bear an annual interest not exceeding ten per cent. per annum, for the purpose of rebuilding the bridge across the Kankakee river at the village of Momence, in said county.

Special tax, etc.

§ 2. That the said boards of town auditors of the towns of Momence and Ganeer be and they are hereby authorized and empowered to levy a special tax of not exceeding five mills on the dollar in any one year on all the taxable property of said towns in addition to the taxes already provided for by law, for the purpose of paying the interest on the bonds to be issued in pursuance of this act; the said special tax to be collected in the same manner as other town taxes, and to be paid by the collectors to such person or persons as the said board of town auditors shall direct.

Town auditors to levy a special tax.

§ 3. That the boards of town auditors of the towns of Sumner and Yellowhead, in said county, be and they are hereby authorized to levy a special tax of not exceeding ten mills on the dollars' valuation of the taxable property of said towns respectively, for the purpose of aiding in the rebuilding of a bridge across the Kankakee river, at the village of Momence, in said county; the said special tax to be collected in the same manner as other town taxes,

and to be paid over to such person or persons as the said boards of town auditors shall direct.

§ 4 That the above mentioned loan is authorized to be made, and the special tax to pay interest on the same is authorized to be levied by the said towns of Momence and Ganeer, respectively, upon this condition: that a majority of the persons voting upon the question at the annual town meeting, for the year 1867, or at a special election, called therefor, shall vote in favor of said loan, the ballots to have written or printed on them the words, "For loan to build bridge," or "Against loan to build bridge;" and the special tax is authorized to be levied in the towns of Sumner and Yellowhead, respectively, upon the condition that a majority of those voting at the annual town meetings of said towns, or at a special election called therefor, shall vote in favor of said special tax, the ballots to have written or printed on them the words, "For special tax to build bridge at Momence," or "Against special tax to build bridge at Momence."

Election upon question of loan and taxes.

Form of ballot.

§ 5. This act, so far as it applies to the towns of Sumner and Yellowhead, is hereby declared to be in force for the years 1867 and 1868 only, and if either of said towns at the annual town meeting for the year 1867, or at a special election, held during the same year, vote against the said special bridge tax, the question may be voted on again at the annual town meeting of 1868, and the board of town auditors of said towns shall have power to fix the rate of said special tax at not less than four mills, and not to exceed ten mills on the dollar valuation.

Application and force of tax.

Vote against bridge tax.

Rate of special tax.

§ 6. This act to take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to incorporate the Wilmington Bridge Company.

In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, The supervisor of the town of Wilmington, and the supervisors of the other towns voting a tax for building a bridge at Wilmington, shall, for the objects herein expressed, be a body corporate, and under the name and style of "The Wilmington Bridge Company;" may sue and be sued, contract and be contracted with, and do all things necessary and proper to carry out the objects contemplated.

Name and style.

§ 2. The amount of tax to be raised by each town for the purpose aforesaid, when ascertained by conferring with the authorities of Wilmington as aforesaid, shall be audited by the board of town auditors of each of said towns, which

Tax raised.

amounts shall be levied and collected from the taxable property of said town all in one year, or may be divided with equal parts and be collected as aforesaid in two (2) or more years, as shall seem best. And the said towns may borrow money at a rate of interest not exceeding ten per cent. per annum, payable annually, and issue bonds in sums of not less than \$50 each, which shall be paid out of the taxes levied as aforesaid, which bonds shall be signed by the town clerk and be countersigned by the supervisor, and shall be binding upon the said town for the amount therein expressed.

Borrow money.
Disposal of money.

§ 3. The money collected as aforesaid shall be paid on the presentation of said bonds when due, or if no bonds are issued, the money, when collected, shall be paid on the order of the said bridge company, and all moneys received for the said bonds when sold, shall be paid on the order of said bridge company. If any town shall fail to provide its share of tax ascertained as aforesaid, then the bonds of said town shall be issued in an amount sufficient to pay the same and be delivered to said company, and said bridge company shall be authorized to sell the same on the best terms obtainable, and apply the proceeds on any contract made by them by virtue hereof, and credit said town with the same.

Wilmington.

§ 4. If no other town than Wilmington shall vote the tax aforesaid, on or before the first day of May next, then the said town of Wilmington is hereby authorized to borrow money for the purpose aforesaid, issue bonds in sums not less than \$50 each, payable in one, two, or more years, with interest at ten per cent. per annum, payable annually. Money may be borrowed and bonds issued as aforesaid for repairing or building the bridge across the east branch of said river also. The commissioners of highways and the supervisor of said town are hereby authorized to enter into contracts for the repairing the said bridges and apply the money collected for the same on said contracts, and they shall cause the said bridge or bridges to be repaired or rebuilt as soon as weather and water will permit. Said bonds shall be signed by the town clerk and be countersigned by the supervisor and the board of auditors being satisfied of the correctness of the same, shall audit the same and certify the amount to the board of supervisors of the county, and said board shall cause the amount to be levied and collected as other town taxes are; but the fees and commissions for collecting any taxes levied by virtue of this act shall be only one-half the rate allowed for collecting other town taxes. The taxes, when collected, shall be paid into the town treasury, the treasurer being required to give a good and sufficient bond therefor.

Contracts.

Board of auditors.

Controlling bridges.

§ 5. The bridge or bridges, when thus repaired or rebuilt, shall become the property of and belong wholly to

the town of Wilmington, and shall be maintained, managed and controlled by the same, subject however to such rules and regulations as may have been or may be adopted by the city of Wilmington, and not impairing the rights and powers already granted by law to the said city: *Provided*,
Proviso. that the amount received for tolls (if tolls be levied for crossing said bridge) over the amount necessary to keep said bridge in repair and the incidental expenses in taking care of the same, shall be applied on any indebtedness incurred in rebuilding or constructing the same.

§ 6. The town authorities aforesaid of Wilmington, are authorized to sell the superstructure of the old bridge or use the material of the same in repairing either of said bridges, and to do all things necessary and proper to carry out the objects of this act. If the said town authorities shall prefer to not accept of the amount proposed to be raised by any of said towns on account of the same being too small, then the said authorities of Wilmington may reject the same, and repair or rebuild the said bridge or bridges as aforesaid.
Powers conferred.

§ 7. If on or before the first day of July next no provision shall have been made for repairing or rebuilding said bridge or bridges, by the town of Wilmington, or any of the other towns, then the supervisor and commissioners of highways of said town of Wilmington and the mayor of the city of Wilmington, shall be authorized and empowered to enter into negotiations with and convey to any person or persons the franchises and property pertaining to the said bridge, upon the conditions and stipulations herein expressed.
Proviso.

§ 8. Whenever an arrangement satisfactory to the parties aforesaid shall have been entered into, such person or persons shall enjoy the rights and franchises herein given, subject to the following general rules:
Arrangements.

First—The person or persons aforesaid, with their associates, may organize and become a body corporate and politic, under the name of "The Wilmington Bridge Company;" and by that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, make all needful rules and by-laws for the government of said company, fix the amount of the capital stock of said company at any amount they may deem necessary, appoint all officers and agents necessary to carry out the objects herein contemplated.
Name.
Powers of corporation.
Capital stock.

Second—The said company, after its organization, shall consist of all persons that shall become stockholders therein, and in managing the affairs of said company each stockholder shall be entitled to one vote for each share held by him, and the shares of stock shall consist of \$100 each, and shall not be subject to local taxation.

New bridge.

Third—The said company, after its organization, shall rebuild or construct within such time as may be agreed upon with said authorities of Wilmington, a good and sufficient bridge upon the old abutments and piers, if sound and sufficient, which bridge shall be well and thoroughly constructed of wood or iron, and as suitable and convenient for crossing as the old bridge was when new, with the addition of a sidewalk for foot passengers.

Keeping in repair.

Fourth—The said company shall constantly keep and maintain said bridge in good repair, and allow all persons a speedy passage over the same with their vehicles and animals, and if at any time said bridge shall become unsafe or impassable for the period of three months at any one time, the said bridge, with all of the rights and franchises appertaining thereto, shall be forfeited to said town: *Provided*, that if said bridge shall be damaged or destroyed by fire or flood, the said company shall be allowed the necessary time to repair or rebuild the same, which time shall not exceed four months.

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Embankments.

Fifth—The said company shall erect necessary embankments at each end of said bridge, and shall have power to erect and maintain such toll gates, toll houses, and other houses for their employees as may be necessary.

Rate of tolls.

Sixth—The said company, after the completion of said bridge, shall be permitted to establish a rate of tolls for crossing the same and shall not exceed the following rates: For each vehicle drawn by a pair of horses, oxen, mules or asses, twenty cents; for each additional animal attached to said vehicle, ten cents; for each one horse wagon or other vehicle, fifteen cents; for each man and horse, ten cents; for each head of horses, cattle, mules or asses, five cents; for each hog or sheep, three cents; for each foot passenger, one cent; and if any of the said men, vehicles or animals shall return the same day, one-half the above rates only shall be charged: *Provided*, that said company may double the rates aforesaid between the hours of nine o'clock p. m. and five o'clock a. m.: *And, also, provided*, that the cows and other animals running at large and belonging to the inhabitants of the city of Wilmington, may pass over said bridge at one-half of the rates above named.

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Schedules.

Seventh—The said company shall put up and keep in a conspicuous place, at each end of said bridge, a schedule of the rates of toll charged for crossing the same; they shall also keep up at each end of said bridge the amount of the penalty assessed for crossing said bridge faster than a walk.

Penalties.

Eighth—The said bridge and the approaches thereto, shall be deemed a public highway within the meaning of the laws providing for punishment for the destruction, injury or obstruction of the public roads and bridges in this state.

Ninth—Every person riding or driving any animal across said bridge faster than a walk, shall be subject to a fine not exceeding five dollars, to be recovered before any justice of the peace of said county, and shall be paid to said company, and such person shall be liable for whatever damage he may cause to said bridge. Restrictions.

Tenth—Said town of Wilmington shall have the right by giving six months' notice, at any time after fifteen years from the date of this act, to purchase the said bridge of the said company, with all of the rights and franchises appertaining thereto, by paying to said company the value thereof, which value shall not exceed the amount expended by said company in building, repairing and maintaining the same. Change of owners.

Eleventh—The said company may borrow money at any rate of interest; may mortgage their franchises and other property, issue bonds, secured by said mortgage, and sell the same. Borrow money

Twelfth—The town and city authorities aforesaid, may require of said company other conditions than those above enumerated, and said authorities are hereby empowered to make any contract with the said company or with any other person, for repairing or constructing a bridge across the east branch of said river at Wilmington, and may use the money already collected in making a contract for repairing or rebuilding the bridge or bridges across either branch of said river, in such manner as to them shall seem best, and the said authorities are authorized to do all things necessary and proper to carry out the objects of this act, to protect and promote the interests of the people of said town. Contracts.

§ 9. This shall be deemed a public act, and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the Busch and Brand's Brewery Company.

In force Feb. 14, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Valentine Busch, Michael Brand, John Brand, Peter Koehler, Philip Lorre and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "Busch and Brand's Brewery Company;" and by that name they and their shall be known, and have succession; and may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and Name and style

- Seal. may have and use a common seal and alter the same at pleasure.
- Capital stock. § 2. The capital stock of said company shall be three hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid in manner hereinafter mentioned; which said capital stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe.
- Objects. § 3. The object of said company is, and it is hereby empowered, to purchase, acquire and incorporate the brewery establishment heretofore established and now carried on by the said Valentine Busch and Michael Brand, in the city of Chicago, and known as "Busch and Brand's Brewery," with the premises, grounds, buildings, appurtenances and fixtures thereunto belonging and appertaining; and, also, to acquire, purchase, manufacture, sell and deal in malt, hops, beer, ale, wines, spirituous, fermented and distilled liquors.
- Business powers and privileges. § 4. It shall be lawful for said company to acquire, purchase and hold, and to sell and dispose of such real estate as may be necessary and requisite for the transaction of the above-mentioned business and trade, and to make and execute notes, bonds, bills, mortgages and such other securities and evidences of indebtedness as may be necessary for the effectual carrying on of said business; and may also take security from its customers and others upon real estate and personal property or chattel interests, for current accounts, including accruing and future indebtedness; and also to bid in and purchase any real estate and other property at any judicial and other sale made by virtue of any debts, security, trust or power, made to or vested in or held by or for the said company; and to receive and take in satisfaction of any debt or security any real estate, and to hold and dispose of the same for its own use and benefit.
- Directors. § 5. The affairs of said company shall be managed by a board of three directors, all of whom shall be stockholders of said company to the extent of at least fifty shares each.
- Stock subscription. Any three of the corporators above named shall be commissioners to open books for subscription to the capital stock of said company, which shall be done within ninety days from and after the passage of this act, and to receive payments on account of the stock so subscribed; and the money so received shall be paid over by such commissioners to the directors, as soon as the latter are elected. As soon as two hundred thousand dollars of the capital stock in said company have been subscribed, and fifty per cent. thereof been paid in, (which fifty per cent. it shall be the duty of said commissioners to require to be paid in at the time of the subscription,) the said commissioners shall call a meet-

ing of the stockholders, at such a time and place in the city of Chicago as they may deem proper, for the purpose of electing directors. The directors elected at this meeting shall hold their offices until their successors shall have been elected at the next annual election and have been duly qualified.

§ 6. Subsequently thereto the election of directors of said company shall be held annually in the city of Chicago, on the first Monday of November in every year, at such a place and hour as the board of directors may designate, and a notice, specifying such time and place, shall be posted for at least ten days previous to such election, in a conspicuous place in the office of said company. All elections shall be by ballot. Every stockholder shall be entitled to one vote for every share of capital stock standing in his or her name on the books of said company, and may vote either in person or by proxy. In case of a tie the vote of the presiding officer shall be decisive. The directors shall hold their office for one year and until their successors shall have been duly elected and qualified.

Election of directors.

§ 7. The directors shall annually elect a president of the company from their own body. They shall have the power, from time to time, in their discretion, to make, pass, alter, establish, rescind, revoke, repeal, and re-establish, by and with the consent of a majority of all the directors elect, however, only, such rules, regulations and by-laws for the government of the said company and the management of its affairs and business, and for the appointment of a secretary, treasurer and all such agents, servants and attorneys as they may deem necessary and proper, and may prescribe their duties, fix their remuneration, require bonds, and do all other acts which may be deemed expedient to promote the interests of said company, not inconsistent with the laws of the land. The bond of the treasurer to be at least thirty thousand dollars. Said amount to be increased, in the discretion of the directors, who may require such security as shall be prescribed by the by-laws of said company.

President.
Regulations and by-laws.

Officers

Treasurer's bonds

§ 8. In case of a vacancy occurring, by death, resignation or otherwise, in the number of directors, the remaining directors shall, at their next regular or special meeting, designate a person from among the other stockholders, who shall have the necessary qualifications, to be elected a director to supply such vacancy; and the person so designated and chosen by a majority of all the directors, shall, if he accepts and qualifies, thenceforth act as director until a successor is duly elected at the annual election next following and has qualified.

Vacancies.

§ 9. The said directors shall have power, from time to time, and at such times and in such amounts as they may deem proper and expedient, to make assessments on the stockholders of said company, and to call for the payment

Assessments.

Calls for sub-
scriptions.
Notice of.

of installments of the capital stock, and balances due on subscription for the same; and a written notification of each and every such call shall be posted up in a conspicuous place in the office of said company; and each stockholder shall also be notified thereof by a letter addressed and mailed to his, or her, or their address, as the same shall appear upon the stock books of said company; and in the event of the non-payment of any such assessment or call within sixty days after due notice given in the manner hereinabove provided for, it shall be lawful for the directors, at their option, either to enforce the payment of the amount so due and payable by legal proceedings, or to sell fairly at public auction, for cash, to the highest and best bidder therefor, the amount of stock standing in the name of such delinquent stockholder, or to buy in the same for the benefit of said company; and the proceeds of such sale shall be paid over to such delinquent stockholder, who shall, upon such sale, cease to be a stockholder in the said company, and whose share or shares shall, upon the books of the company, be transferred by the secretary thereof to such purchaser or purchasers of said forfeited stock or shares; which latter shall thenceforth have and enjoy all the rights, privileges, dividends and profits accruing and to accrue to or in respect of said shares of stock so purchased, and become liable for the payment of all calls and installments then due and thereafter to become due and payable on said shares of stock.

Non-payment
of.

Sale of shares of
delinquent
stockholders.

Dividends.

§ 10. It shall be lawful for the directors of said company, from time to time, to make, declare and pay dividends upon the capital stock of said company, in such manner and such amounts as they may deem most expedient for the interests of said company.

Records.

§ 11. Said company shall keep in the office of the secretary proper books, in which shall be kept a full and correct record of the names and post office addresses of the stockholders to be furnished by them, and of the amount of stock held by each, and of all transfers thereof; and no transfer of any shares of capital stock shall be of any validity until the parties shall have caused the same to be entered by the secretary upon the books of the company; also a record of the proceedings of the stockholders and of the board of directors, and of the by-laws, rules, regulations and business transactions of said company; which books shall be subject to inspection, at all reasonable times during business hours, by any stockholder or creditor of said company.

Period of exis-
tence.

§ 12. The said company hereby created shall exist for the term of ninety-nine years.

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED, February 15, 1867.

AN ACT to incorporate Huck's Chicago Brewery Company.

In force Feb. 19,
1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John A. Huck, Lewis C. Huck, Philip Bartholomae, Jacob Rhem, and John S. Miller, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "Huck's Chicago Brewery Company;" and by that name they and their successors shall be known and have succession; may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; and may have and use a common seal, and alter the same at pleasure.

Corporate name
and powers.

§ 2. The capital stock of said company shall be five hundred thousand dollars, with power to increase the same to one million dollars, to be subscribed and paid for in manner hereinafter mentioned; which said capital shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe.

Capital stock.

§ 3. The object of the said company is, and it is hereby empowered, to purchase, acquire and incorporate the Eagle Brewery, in Chicago, and also to acquire, purchase, manufacture, sell and deal in malt, hops, beer, ale, wines, spirituous, fermented and distilled liquors.

Sell and deal
in malt, hops,
beer, etc.

§ 4. It shall be lawful for the said company to acquire, purchase and hold, or sell and dispose of such real estate as may be necessary for the transaction of its business; and, also, to borrow money and to pay interest thereon, and to make and execute bonds, bills, notes, mortgages and other securities and evidences of indebtedness, as may be necessary for the carrying on of the business mentioned in section three of this act; and may, also, take security from its customers and others, upon real estate or personal property, or chattel interests, for current accounts, including accruing and future indebtedness; and, also, to bid in or purchase any real estate or other property or chattel interests, at any judicial or other sale made by virtue of any debt, security, trust or power made to or vested in or held by or for the said company; and to receive and take in satisfaction of any debt or security any real estate, and to hold and dispose of the same for its own use and benefit.

Indebtedness.

§ 5. The affairs of said company shall be managed by a board of directors of at least five. They shall hold their office for one year, and until their successors shall be elected and qualified. And an election of directors shall be held by the stockholders when and so soon as two hundred thousand dollars of the capital stock shall have been sub-

Affairs—how
managed.

Term of office,
etc.

scribed, and five per cent. paid thereon. And three of the corporators herein named shall be commissioners to open books for subscription to the capital stock, which shall be done within one year from and after the passage of this act. And the money so received by the commissioners shall be paid over to the directors, when elected.

Powers and duties of company.

§ 6. The directors shall, annually, elect a president from their own body; they shall have the power, from time to time, in their discretion, to make, pass, alter, establish, rescind and re-establish such rules, regulations and by-laws, for the government of the said company and the management of its affairs and business, and for the appointment of a secretary, treasurer, and all such agents and attorneys as they may deem necessary and proper, and may prescribe their duties, fix their remuneration, require bonds, and do all other acts which may be deemed expedient, to promote the interests of said company, not inconsistent with the laws of this state or of the United States; but no by-laws of the said company shall be passed without the consent of a majority of the directors; and all the acts of the duly appointed officers and agents of the said company done and performed under authority of its by-laws, rules and regulations, shall be binding upon the said company. The bond from the treasurer shall not be less than thirty thousand dollars.

Subscriptions to stock.

§ 7. The directors shall have power to call for the balance due on the subscription to the stock of the said company, at such times and in such installments as they may deem proper; and in the event of the non-payment of any call within sixty days after due notice, (which may be by letter mailed to his or her address, as it appears upon the stock books of the company,) it shall be lawful for the directors, at their option, to enforce such payment or to sell fairly, by public auction, the amount of stock standing in the name of such non-paying stockholders, to any person or persons, or to buy in the same, for the benefit of the said company; and the proceeds of such sale shall be paid over to such non-paying stockholders, who shall, upon such sale, cease to be a stockholder in the said company; and the purchaser or purchasers of said shares of stock shall have and enjoy all the rights, privileges, dividends and profits accruing or accrued to or in respect of the said shares of stock, and become liable for the payment of all calls then due or thereafter made on said shares of stock.

Stockholders.

Amounts and payments and dividends.

§ 8. It shall be lawful for the directors of said company, from time to time, to make and declare and pay dividends upon the capital stock of the said company, in such manner and in such amounts as they may deem most expedient for the interests of the said company.

§ 9. Said company shall keep in the office of its secretary proper books, in which shall be kept a full and correct record of the names and post office addresses of the stock-

holders, to be furnished by them, and of the amount of stock held by each, and of all transfers thereof; also, a record of the proceedings of the stockholders of said company, and of the proceedings of its board of directors, and of its by-laws, rules and regulations, and of its business transactions; which books shall be subject to inspection at all reasonable times, during business hours, by any stockholder of said company.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1867.

AN ACT to incorporate the Union Brewery and Coopering Company. In force Feb. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Albert F. Lincoln, John Lutz, Philip Zell, Louis Green, and Ferdinand Welte, and such other persons as may associate with them for that purpose, are hereby constituted a body politic and corporate, by the name and style of "The Union Brewery and Coopering Company;" and by that name and style they and their successors shall have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real, personal and mixed, to have and use a common seal, and to do and perform all lawful and necessary acts and things in carrying into effect the object and purpose of this act.

Name and style.

Powers.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but the said corporation shall have power to increase their said capital stock to any sum, not exceeding two hundred thousand dollars, at any time, by vote of the directors of said company.

Capital stock.

§ 3. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such times and places as they may deem proper. The said commissioners shall require each subscriber to pay ten dollars on each share subscribed at the time of subscribing; and, whenever fifteen thousand dollars of said stock shall be subscribed, the said commissioners shall call a meeting of the stockholders, by giving ten days' notice in some newspaper printed in the city of Peoria; and at such meeting the stockholders, (having one vote for each share,) shall proceed to elect five directors of said company, to whom, when elected, the said commissioners shall deliver up said subscription books, with all sums of

Commissioners.

Stock subscription.

Directors.

money or other property they may have received as commissioners of said company. No person but a stockholder shall be a director in said company.

Term of office. § 4. The directors of said company shall hold their office for the term of one year and until their successors are elected; and the said directors, (a majority of whom shall form a quorum for the transaction of business,) shall elect one of their number to be president of said company, and one of their number secretary and treasurer of said company; and said directors shall have power to appoint such other officers as may be necessary for the transaction of the business of said company; and to require the treasurer of said company to give a bond in the sum of ten thousand dollars, with sufficient security, conditioned to account for and pay over all moneys that may come into his hands and for the faithful discharge of his duties, as prescribed by the by-laws and ordinances of said company, and are hereby empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary to accomplish the designs and purposes of said company, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided for by the ordinances of said corporation.

Quorum.

President.

Secretary, treasurer.

Other officers.

Bonds.

By-laws.

§ 5. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the third section of this act, and to fill up the balance of the stock of said company, and any increase of stock voted to be made, as they may deem for the interest of said company, and prescribe times of payment of installments on said capital stock, in such sums as they may deem best calculated to advance the interests of said company.

Balance and increase of stock

§ 6. The said corporation shall have power to erect all necessary buildings, fixtures and machinery in the city of Peoria for the prosecution of its business in making and manufacturing beer, malt and other liquors, and all kinds of cooperage, and to purchase and provide stock and materials for the same.

Necessary buildings.

§ 7. In order to facilitate the business operations of said company, the said directors shall be authorized to obtain any sum or sums of money on their bonds, mortgages or other evidences of debt, to the amount of stock actually subscribed; but at no time shall the debts of the company exceed in amount the capital stock. The shareholders shall be liable only to the full amount of the stock subscribed for and taken by them.

Debts.

§ 8. All contracts, bonds, agreements, deeds and other instruments taken or received by said company shall be executed to the company in its corporate name, and all deeds or mortgages made or executed by said corporation shall be upon the order of the board of directors, entered

Contracts, bonds, etc.

on their records at any meeting of the board, and made by the president and sealed with the corporate seal and attested by the secretary; and such conveyance shall recite and set forth the order made by the directors for that purpose.

§ 9. The time for the annual meeting for the election of directors shall be the first Monday of the month of January in each year; and notice thereof shall be given in some newspaper thirty days previously: *Provided*, that an omission to hold such annual meeting shall not work a forfeiture of their charter or a dissolution of the corporation.

Annual meetings for elections.

Proviso.

§ 10. This act shall take effect from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the Elmwood Building Company:

In force Feb. 20, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William J. Phelps, Addison L. Tracy, William Edwin Phelps, Harlan P. Tracy and James Lee, and their associates, successors and assigns, be and are hereby created a body politic and corporate, by the name and style of "The Elmwood Building Company;" and by that name and title shall have perpetual succession; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered in all courts of law or equity whatever; to have and use a common seal, and alter the same at pleasure; to establish all by-laws for the government of the company, and alter or amend the same; to purchase, hold, sell and convey real estate, and to receive the same in payment for stock; to borrow money and secure the same by mortgage on the real estate or other property of the company; to erect and maintain buildings in the town of Elmwood, in Peoria county, suitable for hotel, mercantile, storage, dwelling and other purposes, and lease or occupy the same, as to them shall seem wise and prudent; and, generally, to have and exercise all powers, rights and privileges usually accorded to corporations for such purposes.

Corporators.

Name and style.

Powers.

§ 2. The capital stock of the company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, for which certificates shall be issued, and may be increased to any sum not exceeding three hundred thousand dollars. *It is provided, however*, that when ten thousand dollars of the capital stock shall be subscribed and paid in, the company may organize and go into full operation.

Capital stock.

§ 3. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED February 20, 1867.

In force March 9, 1867. AN ACT to amend an act entitled "An act to incorporate the Milton Block Association," approved February 16, 1865.

Section 2 of act amended. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2) of an act entitled "An act to incorporate the 'Milton Block Association,'" be, and the same is hereby so amended as that the capital stock of said corporation may be increased to any sum not exceeding fifty thousand dollars.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force Feb'y 23, 1867. AN ACT to incorporate the Rockford Building Association of the city of Rockford.

Corporators SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas D. Robertson, Melancthon Starr, Selden M. Church, John P. Maury, and Hosmer P. Holland, and their associates and successors, be, and they hereby are declared a body politic and corporate, by the name and style of "The Rockford Building Association;" and by that name shall have perpetual succession; and shall have power to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of competent jurisdiction; and may make and use a common seal, and renew or alter the same at pleasure; and shall have all other powers and privileges necessary to accomplish the objects of their incorporation.

Name and style.

Powers.

Object. § 2. The objects of said corporation shall be the purchase of real estate, in the city of Rockford, and the erection thereon of a building or buildings, for a public hall and other purposes, as shall be most beneficial to said corporation.

Officers. § 3. Said corporation shall have power to prescribe the number, duties and salaries of its officers, the time or times of payment for shares of its capital stock subscribed, and to make such by-laws for the management of its affairs as may be necessary for the accomplishment of the objects of its incorporation: *Provided*, the same shall not conflict with the laws of this state and of the United States.

Proviso.

Bonds of officers. § 4. Said corporation may require bond, and sufficient security, of its treasurer, or other officer or officers, who may have in keeping the moneys, or other effects of said corporation.

§ 5. Said corporation shall have power, in law and in equity, to purchase real estate, and personal or mixed property, and to receive a conveyance of the same, by its corporate name; and the same estate to grant, bargain, sell, demise, lease, place out at interest, or otherwise dispose of, as may be most beneficial to said corporation; and shall, also, have power to erect upon such real estate, so purchased, a building or buildings for a public hall, and for such other uses and purposes as may be most beneficial to said corporation: *Provided*, the amount of such real estate purchased shall not exceed the amount of capital stock by this act authorized.

Possession of property.

Public halls.

Proviso.

§ 6. The capital stock of said corporation shall be thirty thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same to any amount, not exceeding seventy-five thousand dollars, deemed necessary by said corporation for the accomplishment of its objects. Said shares of stock shall be transferable in such manner as said corporation shall by its by-laws prescribe: *Provided*, that shares of stock in arrears for the payment of any installment due thereon shall not be transferable: *And provided further*, that shares of stock so in arrears shall be subjected to such penalties and forfeitures as may be fixed by the by-laws of said corporation.

Capital stock.

§ 7. The persons enumerated in section 1 of this act are hereby constituted a committee to open books for subscription to the stock of said corporation; and whenever twenty thousand dollars of such stock shall be subscribed, said committee shall call a meeting of the stockholders, first giving one week's notice of the time and place of such meeting in some newspaper printed in the city of Rockford, at which meeting a majority of the stockholders present may organize said corporation, by the election of officers. The officers so elected may at once make calls upon the stock subscribed, and may proceed to carry out the objects of said corporation.

Stock subscription.

§ 8. Each stockholder shall be entitled to one vote, at all meetings of stockholders, for each share of stock by him held, and absent stockholders may vote by proxy: *Provided*, that no stockholder shall be entitled to vote at any meeting who may be in arrears for the payment of any installment due on his stock.

Vote of stockholders.

§ 9. The times of the regular meetings of said corporation shall be fixed, and may be altered, from time to time, by its by-laws; and special meetings of said corporation may be called by a majority of the officers thereof, public notice of the time and place of such meeting being first given one week in advance, in some newspaper printed in said city of Rockford.

Meetings.

§ 10. Said corporation may, by its by-laws, provide what security its stockholders shall give for the payment of any part of their stock which may be in arrears.

Securities.

Fiscal. § 11. The fiscal year of said corporation shall commence on the first day of May, and shall end on the thirtieth day of April of each year.

Dividends. § 12. The officers of said corporation shall declare such dividends on the capital stock of said corporation, annually, or semi-annually, or quarterly, or monthly, as in their judgment, the affairs of the corporation will permit.

§ 13. This act shall be a public act and shall take effect from and after its passage.

APPROVED February 28, 1867.

In force March
5, 1867.

AN ACT to incorporate the Chicago Building Block Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That W. W. Boyington, J. B. Stillson, John V. Farewell, and their associates, are hereby created a body politic, under the name and style of "The Chicago Building Block Company." As such they shall have perpetual succession; may sue and be sued in any court whatever, with powers and privileges as hereinafter provided.*

Capital stock. § 2. The capital stock of said company shall not exceed five hundred thousand dollars, in shares of one hundred dollars each; but when sixty thousand (\$60,000) dollars shall have been subscribed and thirty thousand dollars paid in, in cash, the said company may organize and proceed to business under this charter.

Directors. § 3. The business of said company shall be conducted, and its corporate powers exercised, by a board of directors, not exceeding five, nor less than three. The above corporators shall constitute the first board; and annually thereafter, after its organization, the stockholders shall elect directors. The directors shall have power to make such by-laws for the management of the business of said company as are not inconsistent with the laws of this state or of the United States.

Possession of real estate and property. § 4. This company shall have power to buy, lease, hold and sell real and personal property, both in the transaction of its business and in the settlement of any claim or demand arising out of their business, and to exchange the same for other property, as they may determine the interests of the company require, and to borrow money.

Liabilities of stockholders. § 5. The stockholders of this company shall be liable, in proportion to the amount of stock subscribed by them, for any debts against said company contracted prior to the

full payment of their subscriptions to said stock until said subscriptions are paid in full.

§ 6. This [act] is to be deemed a public act, and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Mercantile Building Association.

In force March
5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Henry M. Smith, Edward Burling, Charles Daegling, Cornelius R. Field, Peter Page and Edward Bauman, and their associates, successors and assigns, be and are hereby created a body corporate and politic, under the name and style of the "Mercantile Building Association," with all powers, rights, privileges and immunities incident to corporations and necessary or useful for the purposes of this act. Corporators.

§ 2. The capital stock of the said association shall be not less than three hundred thousand dollars, nor more than five hundred thousand dollars, and be divided into shares of one hundred dollars each, and be issued and transferred in such manner and under such conditions as the directors of the said association shall, by the by-laws thereof, prescribe. Capital stock.

§ 3. The corporate powers of the said company, shall be vested in and exercised by a board of directors, consisting of such number of persons, not less than three nor more than seven, as the stockholders of said association may from time to time direct. The said directors shall be chosen by the stockholders at such time and place as may be fixed by the by-laws of the said company and shall hold their offices for one year and until their successors are elected and qualified. They shall elect one of their number president of said association, and may fill any vacancy in the said board occasioned by death, resignation or otherwise, for the unexpired portion of the term of office so becoming vacant; and may make such rules, by-laws and regulations, and appoint such officers and servants as they may from time to time deem expedient. Until an election of directors, as herein provided, the persons named as corporators in the first section of this act shall constitute a board of directors, and shall have and may exercise all the powers of such board. Directors.
How chosen.
Office tenure.
President.
Vacancies.
Rules, by laws, etc.

§ 4. The said corporation shall have power to purchase, hold and acquire, by lease or otherwise, real or personal estate, situate in the city of Chicago; said real estate not exceeding one acre—and construct and erect buildings thereon, and the same may sell, convey or lease, in such May purchase and hold real estate.

manner and upon such terms as the said association may think fit and proper.

§ 5. It may be lawful for the said association to borrow money, and the same, or any of its indebtedness, to secure, by mortgage, deed of trust or other security.

§ 6. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 5, 1867.

In force March 7, 1867. AN ACT to incorporate the Chicago District Camp Ground Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George F. Foster, Charles M. Lindgren, Ranson F. Clough, Robert W. Meacham, Thomas C. Hoag, Joseph E. Kennicott, John B. Ayers, James S. Kirk, Eldridge T. Rider, trustees, and their successors in office, be and they are hereby created and constituted a body politic and corporate, under the name and style of "The Chicago District Camp Ground Association;" and, henceforth, shall be known by that name and style, and have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire and hold such property, real and personal, as shall be necessary for carrying into successful effect the objects of said association; to have and use a common seal; to make and alter from time to time such by-laws as they may deem necessary for the proper management and control of the property, grounds and personality of such association, and for the government of said association, its officers and servants: *Provided*, such by-laws are not inconsistent with the constitution and laws of this state and of the United States.

§ 2. The object of said association shall be to furnish convenient and accessible grounds, within the town of Maine, in the county of Cook, in said state of Illinois, for the holding of camp meetings, under the direction and authority of churches in connection with the Rock River Conference of the Methodist Episcopal Church, in said state; and for that purpose the said association is hereby empowered to purchase, or acquire by donation, a tract of land in said town of Maine, of not exceeding eighty acres; and the same to improve, adorn and fit up, for use as aforesaid, at its discretion. And, while such grounds shall be used for religious meetings, the same with the improvements and fixtures, shall be exempt from taxation.

§ 3. Said association may elect at the annual camp meeting, to be held during the year A. D. 1867, or, in default of such meeting being held, at the first camp meeting held

after the passage of this act, by the preacher and onelay member elected by the quarterly conference of each charge in the Rock River Conference choosing to be represented in said association, nine trustees of said association; three of said trustees to hold office for the term of one year, three to hold office for the term of two years, and three to hold office for the term of three years and until their successors shall be elected; and, thereafter, at the annual meetings of said association, said association may elect trustees of said association to fill the vacancies occasioned by the death, removal, resignation or expiration of office of any trustee; which trustees shall hold office for the term of three years and until their successors shall be appointed.

Term of office.

Vacancy.

§ 4. The said trustees shall have power to appoint a president, vice-president, secretary and treasurer, from their number, and to employ such agents and servants as may be necessary for the purpose of carrying out the object of said association.

Officers.

§ 5. The said trustees and their successors, and the officers and servants of said association, shall each and every [one] of them, during the occupancy of the grounds of said association by religious assemblies, be vested with police powers, with authority to arrest, upon view, all persons guilty of any breach of the peace, disorderly conduct, disturbance of such religious assembly, infraction of the published rules of said association, or of any offense against the laws of this state, and take such offenders before any justice or justices of the peace in Cook county, to be dealt with according to law; and such justice or justices are hereby authorized to hold court on said premises.

Power and authority of trustees.

§ 6. The said association shall have power, and are hereby vested with authority, to prohibit upon its grounds and for a space of one hundred and sixty rods in width on all sides of their grounds the selling or giving away of all fermented vinous, or spirituous liquors, and to prohibit huckstering and the selling of all articles calculated to disturb religious meetings, and may under its police powers, above conferred, arrest any person in the act of so selling or giving away any such liquors, or huckstering or selling any articles to the disturbance of such meetings and take him or her before a justice of the peace, to be dealt with according to the provisions of section 7 of this act.

Prohibition of sale of liquors, etc.

§ 7. Any person who shall be guilty of selling or giving away any fermented, vinous or spirituous liquors, or selling any articles to the disturbance of such meetings, contrary to the provisions of any by-law of said association, enacted under the provisions of section 6, of this act, shall be subject to a fine of not exceeding fifty dollars for each and every offense, recoverable before any justice of the peace of said county of Cook.

Penalties for violation.

Publication
notice.

§ 8. No person shall be liable as an offender against any of the provisions of this act or any by-law of said association, unless the said association shall have posted in a conspicuous place or places the full tenor of such by-law or provision against which such alleged offense shall have been committed.

§ 9. This act shall be in force from and after its passage.

APPROVED March 7, 1867.

In force Febru-
ary 20, 1867.

AN ACT to incorporate the Winchester Cemetery Association.

Corporators.

Name and style

Powers and
privileges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Nathan M. Knapp, William C. Berry, James Watt, George G. Terry, Albert G. Burr, and their successors, are hereby incorporated as an association, by the name and style of "The Winchester Cemetery Association;" and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded in all courts of law and equity.

§ 2. Said corporation shall have power to lay off, establish and control suitable grounds for a cemetery, in the vicinity of Winchester; shall have full power, by suit, before any justice of the peace, to recover penalties for any and all trespasses or injuries committed or permitted on the grounds appropriated as a cemetery; to assess and collect from owners of lots therein such sums as may be necessary to be expended in repairing fences or keeping the grounds in good order and condition.

Election of trust-
tees.

Proviso.

Proviso.

§ 3. Said corporation shall, on the first Monday in July, A. D. 1869, publish a call for the lot owners in said cemetery to assemble at some suitable place and elect five trustees, who shall succeed said corporators as the legal representatives of the incorporation hereby created, with all the powers and authority hereby vested in them. And on the first Monday in July of each biennial year thereafter such election shall be ordered and held: *Provided*, a failure at any time to elect such successors shall not forfeit the rights of said incorporation, but the incumbents then holding shall remain charged with the duties and vested with the authority herein expressed, until the next period fixed for such election: *And provided, further*, in case of vacancy, by death or resignation, of any corporator or trustee, the survivors of them may elect a successor.

§ 4. This act shall be in force from and after its passage.
APPROVED February 20, 1867.

AN ACT entitled an act to incorporate Elmwood Cemetery, of Litchfield, In force Feb. 21, 1867.
Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert H. Peall, E. M. Gilmore, Elizur Southworth, David Davis, jr., William T. Elliott, W. E. Bacon, Richard W. O'Bannon, Daniel Neff, H. H. Hood, and Daniel M. Sparks, and Louis Whitaker, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style "Elmwood Cemetery Association," of the city of Litchfield, in the county of Montgomery, and state of Illinois; and by that name and style to have perpetual succession, and all the powers, rights, liabilities and immunities incident to a corporate body.

§ 2. The officers of said association shall be seven directors, and such other officers as by this act may be authorized or created; each of whom shall be the owner of one or more lots in the cemetery of said association. Said directors, or a majority of them, in all cases, shall constitute a board for the transaction of all business, and the management of all property of said association, and shall be elected by ballot on the first Tuesday in March of each year, and shall hold their offices until their successors are elected.

§ 3. Said board of directors shall choose from their own number a president, a secretary, and a treasurer, and shall appoint a sexton, and such other officers as the interest of said association may require. A bond, with security, shall be taken by said board from said treasurer, for the faithful discharge of the duties of his office.

§ 4. At all elections of said association, two of said directors shall act as judges, and the secretary of the board as chief clerk thereof; and said clerk shall, within ten days after each election, give to the persons chosen a certificate of their election. Said board may, on giving ten days' public notice thereof, hold a special election for filling the vacancy or vacancies occasioned by the death, resignation or removal of any of said directors.

§ 5. Every person having a title of one or more lots in said cemetery, shall be a member of said association, and entitled to one vote only. Absent members shall have power to vote by proxy, authorized by writing, first filed with the secretary of said board.

§ 6. Said board of directors shall have power to purchase, receive by grant or otherwise, and hold lands, not exceeding one hundred acres, for a cemetery, and to survey and lay out the same into lots suitable for the burial of the dead; also, to sell and convey the same, by certificates of purchase, signed and acknowledged by the President and

Elmwood cemetery of Litchfield incorporated herewith.

attested by the secretary, as hereinafter provided ; and the purchasers thereof, their heirs and assigns, shall use their said lots for burial purposes only: *Provided*, that Elmwood Cemetery Association, at Litchfield, Illinois, as the same now exists, be and is hereby incorporated into this association ; and the cemetery grounds of said association, as the same have been platted and recorded and are now being used for the burial of the dead, shall be used by this association in the same manner as if surveyed and platted under the direction of this association ; and every owner of one or more lots therein shall be considered a member of this association.

Disposition of proceeds of sale.

§ 7. The proceeds arising from the sale of said lots shall be applied by said directors in inclosing, protecting and ornamenting said cemetery, and in making such other improvements thereon, and for such other purposes for the interest and objects of said association as the said directors may deem necessary or appropriate. And said board of directors shall have power to establish and change by-laws, prescribe rules and regulations for the appointment, term of office, duties and fees of their officers, the government of the association, and the general supervision and control of its property. Said board may, for cause, remove any of the officers of its appointment.

By-laws, etc.

Seal and device.

§ 8. Said association shall have a corporate seal, with such device and inscription thereon as may be determined by said board of directors. All deeds and other writings made or issued by said association shall be signed by the president, attested by the secretary, and sealed with the corporate seal.

Preservation of records of meetings.

§ 9. Said board of directors shall cause to be kept and preserved, in a book or books provided by them for that purpose, a full and complete record of all their meetings, proceedings, orders, purchases and sales of property, with the names and parties thereto ; also, a complete register of the burials in said cemetery, with the names and ages of the dead ; which book of record, as well as all other books kept by the board of directors or their secretary, shall at all times be open for the inspection of the members of said association.

Rights of property.

§ 10. The right of property to any lot or lots in said cemetery shall be vested in the purchaser by certificate of purchase, signed by the president and attested by the secretary, and sealed as hereinbefore provided ; which certificate shall be recorded by the secretary. Every transfer of such certificate shall be made by surrendering the same to the secretary, who shall issue a new certificate to the assignee, and cancel the former. Lots owned by individuals in said cemetery shall not be subject to be sold in execution for debts.

§ 11. A plat of all lands owned by said association shall be made by some competent surveyor, under the direction of said board of directors, attested by the said surveyor, and acknowledged by the president of said association, before any officer authorized to take acknowledgments of deeds; and, when so attested and acknowledged, shall be recorded in the recorder's office of Montgomery county, state of Illinois; and such recording shall give to the record all the force, effect and virtue that is by law given to records of town plats. Plat of lands required.

§ 12. All the property and effects of this association shall be exempt from taxation. Property exempt from taxation.

§ 13. This shall be considered a public act, and shall be construed beneficially for all purposes herein specified or intended; to be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to incorporate the Collinsville Cemetery Association.

In force Feb. 25
1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That J. M. Lawrence, J. W. Peers, M. Weisenberger, D. D. Collins, H. Wing, A. W. Brown, J. K. Bretelle, J. L. R. Wadsworth, A. Sumner, George Miller, J. Kremer, J. C. Moore, H. Ripley, J. S. Peers, Thomas Munn, Wm. Stevens, or any five of them, be and they are hereby constituted a body politic and corporate, by the name and style of "The Collinsville Cemetery Association;" and by that name to have perpetual succession; and shall have and possess and be invested with all the powers, rights, privileges and immunities incident to a corporate body. Corporators.

§ 2. The objects of the said association shall be to lay out, inclose, improve and ornament a piece of ground, as a burial place for the dead; and for these objects the persons above named, or any five of them, and any other or others whom they may elect as associates, may acquire, by purchase or donation, any lands adjacent to the city of Collinsville, in the county of Madison, not exceeding one hundred acres; and may sell and convey the same in parcels or lots, one or more, of such dimensions as they may determine upon. Objects,

§ 3. The officers of the said association shall be such as the members of the association, or a majority of them, may from time to time determine upon and elect; and the duties and privileges of such officers shall be determined by a majority of the members of the association; and any or all of the business or affairs of the association may be conducted Officers.
Duties and privileges of.

by one or more officers, at the election of a majority of the members.

Increase of members.

By-laws.

Seal.

Record.

Proviso.

§ 4. The members of this association, or three-fourths of them, may from time to time increase their numbers; and a majority of them may make by-laws, rules and regulations for their government in all matters concerning the association and its business and affairs; they shall procure a corporate seal, with such device or devices as they may choose, wherewith all deeds, certificates and other writings, made and issued by said association, shall be sealed; and they shall keep a legible, clear and true record of all proceedings, orders, purchases, sales, payments, receipts, and burials, with name, birth place and age, when obtainable, of the deceased; which record shall be open to the inspection of any or all of the members of said association: *Provided*, that the officer whose duty it shall be to make such record, shall not be compelled to record burials, with name, etc., without a fee, not exceeding sixty cents, to be paid by the party requiring the record.

Grounds laid out.

Exempt from taxes.

Leases and rents.

§ 5. The association shall cause the ground which they may acquire, or any part thereof, to be laid out into lots, avenues, walks and alleys, suited to the objects hereinbefore named; and whenever the same is so laid out, and recorded in the office of the recorder for Madison county, the part so laid out and dedicated and kept for the objects hereinbefore named, shall forever thereafter be exempt from all assessments and taxation, and from seizure and sale on execution, or by any order or decree of any court, and from any appropriation for public uses or purposes, unless for such uses or purposes the majority of the members of the association and owners of lots shall consent thereto; but the association may lease or rent out any portion of the ground which they may have acquired and not laid out, as above described, and use the income from the same for the objects hereinbefore mentioned.

Conveyances.

Records.

§ 6. The conveyance of lots from the association to individuals may be by certificate, signed by two officers, thereto authorized by the association and sealed with the corporate seal of the association; and every such certificate, so signed and sealed, or the record of the same made by the proper officer of the association, or a certified and sealed copy of such record of the same, shall either of them be evidence of ownership in any court in this state.

Evidence of.

Lots and owners of.

§ 7. Lot owners may hold one or more lots as tenants in common, but no lot shall be so alienated that different persons may hold the same or parts thereof in severalty; nor shall the conveyance of any lot or lots, from any owner or owners to any other person or persons, be valid or complete until the same shall have been entered upon the record of the association, and until a sealed certificate of purchase or conveyance shall be issued by the proper officer

of the association; for which sealed certificate said officer shall be entitled to a fee not exceeding sixty cents.

§ 8. The association may require any lot owner or owners to keep in good order and repair any lot or lots owned by him, her or them, and to the effect thereof, should such owner refuse or delay beyond thirty days after written notice to repair or put in order his, her or their lot or lots, then such owner or owners shall be debarred from all rights, privileges, immunities and proceedings in all and any matter or matters concerning the association or owners of lots, and remain so debarred until such repair or order be completed: *Provided*, that the association shall not require at any one time any repairing or putting in order which shall exceed in cost the original purchase price of the lot or lots needing such repairs. Repairs of lots.

§ 9. Lot owners shall at all times have a right of way, in his or her own person, over any avenue, walk or alley laid out for the objects of the association, and also to pass and repass, in conformity with the rules and regulations of the association, over any of the avenues, walks or alleys so laid out. Right of way.

§ 10. Any person who shall destroy, injure, disturb, or in any way molest any tomb, vault or grave, within the inclosures of the said association, with the intention or purpose of removing any body, or clothing, or ornament, or jewel therefrom, or any person in any way aiding or abetting in the same, without permission from the proper officer of the association, shall be deemed guilty of felony, and, upon conviction, shall be fined in a sum sufficient to pay all the costs of replacement and repair, and all the costs of arrest and suit and prosecution, and shall be imprisoned in the state penitentiary for a term not less than one year. Penalty for injury and destruction of property or interference with bodies.
And any person who, without consent of the owner or owners of the lot or lots whereon the same may stand, shall destroy, injure, disturb or any way molest, any monument, slab, stone, tree, shrub, plant, or other thing, within the inclosure of the said association, shall be deemed guilty of an offense, and shall, upon conviction, be fined in a sum sufficient to pay all the costs of replacement and repair, and all the costs of arrest and prosecution, and shall be imprisoned in the county jail for a term not less than three months.

§ 11. This act shall be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force March 1, 1867. AN ACT to incorporate the German Pilgrim's Rest Cemetery Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Fredrick Letz, Augustus Baur, John Henry Muehlke, Louis Haas and H. Henry Deverman, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the German Pilgrim's Rest Cemetery Company, and by that name shall have perpetual succession, and have power to contract and be contracted with, sue and be sued, plead and be impleaded in all courts of law or equity; may have a common seal and alter the same at pleasure, and have all the powers, rights and immunities incident to a corporation.

Name and style.

Powers.

Directors and officers.

§ 2. The business affairs of said corporation shall be managed by a board of five directors, a president, secretary and such other officers, agents and servants as said board may by their by-laws create and hold their office for the term, and be elected as by their by-laws may be provided. The persons named in the preceding section shall constitute the first board of directors.

Powers, privileges and business.

§ 3. The board of directors shall have power to receive subscriptions for the purchase of property and the laying out and ornamenting grounds for cemetery purposes, and may issue certificates representing the interest of the subscribers in the property held by the corporation and in the proceeds of the sale of burial lots, and the individual interest represented by such certificates shall be assignable and transferable only in such way as the by-laws may provide. The directors may call in such subscriptions at such times and in such payments or installments as they shall deem proper, and may compel the payment of installments so called in by suit or forfeitures to the corporation of the interest of any subscriber refusing to pay such installments so called in, or by sale of such part or the whole of his interest as may be necessary to pay such installment. The corporation may receive through the directors, at their option, such real estate or personal property at an equitable valuation, in payment of subscriptions, as they may deem available for the purposes of the corporation. No subscriber shall be liable for the debts of the corporation in a greater amount than the interest owned by him.

Possession of real estate.

§ 4. The corporation may through the directors obtain, and hold real estate by purchase, exchange or otherwise, for cemetery purposes, in the town of Lake View in Cook county, to an amount at no time exceeding eighty acres, provided, that said corporation locates and establishes such cemetery grounds, north of the present north line of the Graceland cemetery in said town of Lake View, county of Cook, Illinois, and if the corporation in order to obtain

suitable cemetery grounds, finds it necessary to purchase any land which may not be actually needed or fit for burial purposes, such land may at the discretion of the directors, be afterwards sold, exchanged or disposed of.

§ 5. The directors shall have authority to lay out and ornament for cemetery purposes the grounds acquired as aforesaid to make and have recorded in the recorder's office of said Cook county, a plat of such grounds and of any grounds the said corporation may from time to time acquire and the filing of such plat or plats for record shall operate as a legal vacation of any former plats or subdivision of such grounds, and of any streets, roads or avenues passing through or between such grounds or parcels of grounds; they may also erect upon such grounds, such buildings, tombs, inclosures or other structures, as they may deem advisable; may arrange, sell and dispose of the burial lots on such terms and with such conditions for the permanent care and preservation of the cemetery and all its parts and ornaments, as they think proper and fitting. The right of property to any burial lot shall be transferred to the purchaser by a certificate of purchase describing the lot by number or otherwise, signed by the president and countersigned by the secretary.

Directors' authority and duties.

§ 6. The directors may make and from time to time alter, amend or repeal the same, all necessary by-laws, regulating the election of directors and defining their term of office, duties, powers, providing for the election of president and secretary and the election or appointment of any other officers or agents, and prescribing their term of office, duties and compensations, prescribing and governing the rights, duties, privileges, and restrictions of owners of lots and visitors to the cemetery, providing for the government of the corporation and the general supervision and control of its property and may prohibit any use, inclosure or adornment of a lot which they may deem improper. The directors may require from the treasurer or any other officer or agent, a bond to the corporation in such sum as they may deem proper, conditioned for the faithful discharge of the duties of his office. All deeds and other writings made by the corporation shall be signed by the president, countersigned by the secretary and sealed with the corporate seal.

By-laws, etc.

§ 7. Lots sold for burial purposes shall not be afterwards subdivided, except by permission of the directors, and shall be exempt from taxation and from execution and attachments, provided that no person shall hold at one time, more than four lots so exempt; and all real and personal estate of the corporation, held or intended for burial uses or purposes or for the general use of lot owners, provided in the case of real estate, that it shall have been platted as cemetery grounds, and the plat recorded, shall be similarly exempt.

Subdivision of lots.

Exempt from taxation.

Plats.

Sale and conveyance.

§ 8. Lots sold by the corporation for burial purposes, shall be used for such purposes only, and shall not be sold or conveyed by the owner without the consent of the directors.

§ 9. The corporation may take by grant, donation, devise or bequest, and hold any property, real or personal, upon trust to apply the same, or the proceeds thereof upon a sale thereof, or the income thereof through its directors in the improvement or embellishment of its cemetery, the erection, repair, preservation or renewal of tombs, monuments, grave stones, fences, buildings, the planting and cultivation of trees, shrubs, flowers and plants in and around the cemetery, or any lot or part thereof, or for improving the same in any other manner or form consistent with the general design of this act, according to the terms of such grant, donation, devise or bequest.

Penalties for injury to grounds and destruction of property.

§ 10. If any person shall clandestinely open any tomb or grave in said cemetery, and shall remove, or attempt to remove any body or remains therefrom, such person upon conviction thereof in any court of competent jurisdiction, shall be sentenced to undergo an imprisonment in the state prison at hard labor, for a term of not less than six months nor more than one year, or pay a fine of not less than one hundred nor more than five hundred dollars or both, in the discretion of the court having jurisdiction thereof, and any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed within the inclosure of said cemetery company, or any fence, railing, or other work, erected for the protection or ornament of said cemetery, or any tomb, monument or grave stone, or other structure, placed therein as aforesaid, or shall willfully destroy, cut, break, injure or remove any tree, shrub, plant or any part thereof within the limits of said cemetery, or shall shoot or discharge any gun or other firearms, or any fire works [or] other missile capable of doing any injury to any structure or plant as aforesaid within the limits of said cemetery aforesaid, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before any justice of the peace, be punished by a fine of not less than five dollars nor more than one hundred dollars, or upon conviction thereof before any other court of competent jurisdiction shall be punished by a fine as aforesaid, or by imprisonment for a term not exceeding one year, or both, at the discretion of the court having jurisdiction thereof, according to the nature and aggravation of the offense; and such offender shall also be liable in an action of trespass to be brought against him in any court of competent jurisdiction in the name of said company, to pay all such damages as shall have been occasioned by his unlawful act or acts, which money, when recovered shall be applied by the said corporation, through the directors, to the repara-

tion and restoration of the property destroyed or injured as above; and members of the said corporation shall be competent witnesses in such suits. And to enable the said corporation to enforce the provisions of this section, power and authority are hereby given to the superintendent and gate keeper of the said corporation, for the time being, respectively, to arrest without process, any person or persons found within said grounds or within eighty rods thereof, who to their knowledge may have committed any offense against the provisions of this section, and shall carry such offender or offenders before a justice of the peace for trial or examination.

§ 11. No roads or streets, or other thoroughfares shall be laid out through any property selected and held by said cemetery company for burial purposes, without consent of the directors of said company, nor shall any of the lands so selected and held be condemned for right of way by any other corporation for any purpose whatever: *Provided*, that this section shall only apply to such lands as shall have been platted and recorded as hereinbefore provided for.

§ 12. The directors shall of the proceeds of all lots, sold by them for burial purposes, after January 1st, 1874, set apart ten per cent. as a reserved fund, which they shall invest in such securities (not personal or individual) as they may deem proper, and in like manner invest the income thereof until the amount so invested, shall reach the sum of ten thousand dollars, which shall remain a permanent fund, not to be diminished. The income whereof shall be from time to time used and applied by the directors in the improvement, adornment, preservation and maintenance of the grounds, walks, shrubbery inclosures, structures, monuments, memorials, and all other things in and about said cemetery, properly appertaining to the same, so that the same may be properly and decently kept, adorned and preserved forever.

§ 13. Said board of directors shall cause to be kept and preserved in a book or books, provided by them for that purpose, a full and complete record of all their meetings, proceedings, orders, purchases and sales of property with the names of parties thereto, also a complete register of the burials in said cemetery with the names and ages of the dead, which book of record, as well as all other books kept by the board of directors or their secretary, shall at all times be open for the inspection of the members of said association.

Book of record

Register of interments, etc.

§ 14. In laying out said cemetery grounds, the directors shall cause the corners of the principal subdivisions to be indicated by stone posts to be fixed permanently in the ground as starting points for future measurements and surveys, and such posts shall be plainly indicated on the plat or plats provided for in section five. The plat or plats when completed shall be certified by the surveyor who made the same and acknowledged by the president or sec-

Indices.

retary of said corporation, before any officer authorized by law to take the acknowledgment of deeds, and a certificate of such acknowledgment shall be appended to such plat, before the same shall be entitled to be recorded.

§ 15. This act shall take effect from and after its passage.

APPROVED March 1, 1867.

In force Feb'y
28, 1867.

AN ACT to incorporate the West Aurora Cemetery Company.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lester W. Gray, David B. Waterman, Wm. McMicken, Joseph G. Stalp, William V. Plum, Daniel Valentine, Robert Hanna, Charles L. Hoyt, Theodore Lake, Clark Wilder, Wm. A. Tanner, Benjamin F. Fridley, Rupell C. Mix, David W. Hurd, L. A. Winslow, and such others as may become subscribers, as hereinafter provided, and who shall have paid in twenty-five per cent. of subscriptions, and owners of lots, in said cemetery, be and they are hereby created a body politic and corporate, in fact and in name, by the style and

Style and title. title of "The West Aurora Cemetery Company;" and by that name shall have perpetual succession, and be capable of suing and being sued, contracting and being contracted with, of pleading and being impleaded in any court of law or equity in the state of Illinois; and they and their successors may have a common seal, and make and alter the same at pleasure, and do such other things as are incidental to a corporation and not inconsistent with the constitution of the state of Illinois: *Provided*, the owners of lots or any part or parts of a lot, as such lot owner, shall not have the right to vote in any election of officers until all of the indebtedness of the said company shall have been fully paid; and when the whole indebtedness shall have been paid, then the owners of a lot or lots in said cemetery shall become sole corporators, and such corporators shall be entitled to one vote in the election of officers of said corporation, and no more.

Powers.

Proviso.

Officers. § 2. The officers of said corporation shall be a president and five directors, a secretary, and treasurer, which said officers shall be chosen every three years, by ballot, and shall hold their respective offices for [the] said term of three years and until their successors shall have been chosen and qualified. Said president and directors shall constitute a board of directors of the West Aurora Cemetery Company.

Vacancy. In case a vacancy in any of said offices shall be occasioned by the death, resignation or removal from the town of

Aurora, or otherwise, of the incumbent, before the three years shall have expired for which he shall have been chosen, then such vacant office may be filled by appointment by the board of directors: *Provided*, no person shall be qualified to hold any of said offices who shall not reside in said town of Aurora, and who shall not be a corporator and entitled to vote. A majority of the board of directors shall constitute a quorum to do business. Proviso.

§ 3. The first election of said officers shall be held at such convenient time and place, within one year after the passage hereof, by the above persons, whose names are mentioned in the first section of this act, on due notice thereof having been given, in writing, to each of them, by two of their number. The treasurer shall give bond to the corporation in such penal sum and conditioned in such terms and with such security as the board of directors shall direct. Time and place of holding first election.

§ 4. The said board of directors shall have power to receive subscriptions for the purchase of property and the laying out and ornamenting of grounds for cemetery purposes, as contemplated in this act, and may issue certificates or other evidences representing the amount of money paid in by the subscribers, payable within ten years after their dates, with interest at ten per cent. per annum, payable annually; and said board of directors shall have authority to call in and demand from the subscribers respectively such portions of the sums of money by them subscribed at such times as they may deem proper, and compel the payment thereof by proper suits at law or in equity. Treasurer's bond.

§ 5. Said board of directors, and their successors in office, shall have power and authority, in the name of said company, to obtain possession of real estate and title thereto, by purchase, exchange or otherwise, for cemetery purposes, in the township or city of Aurora, Kane county, Illinois; to hold the same to an amount at no time exceeding one hundred acres of land, and to sell, exchange or dispose of any part or parcels of land that said board may be compelled to purchase in order to obtain such grounds, as may not be actually needed for burial purposes. Powers of board of directors.

§ 6. Said board of directors and their successors shall have authority to lay out and ornament, for cemetery purposes, such grounds as they may acquire, as aforesaid; to make and have recorded in the recorder's office of Kane county a plat of such grounds and of such additions thereunto as they may make at any time; and the filing of such plat for record shall operate as a legal vacation of any former plat or subdivision of the same, and of any roads, streets or alleys passing through the same; also, to erect such buildings, tombs, inclosures or other structures as they may deem advisable; to arrange and dispose of burial lots on such terms and with such conditions for the permanent care and preservation of the cemetery, or any part thereof, as they may agree with Possession of real estate. Titles.

Cemetery grounds.

Plats of.

Buildings, tombs, etc.

Officers and agents.	such purchasers; to appoint such additional officers and agents to those herein indicated as they may deem necessary for the management of the concerns of the corporation; to make such by-laws and regulations relative to the election of officers and agents of said corporation and of their respective duties and compensations, and to make such rules and regulations from time to time for the government of lot holders and visitors to the cemetery as they may deem necessary.
Rules, etc.	
Lots for burial purposes.	§ 7. All lots sold for burial purposes by said cemetery company, when conveyed by the corporation to individual proprietors, shall be indivisible, but may be held and owned in undivided shares, and shall be free from taxation, execution and attachment: <i>Provided</i> , that no one person shall hold at any one time more than four lots so exempted; and all estate, real or personal, held by the company, actually used by the corporation for burial purposes or for the general uses of lot holders or subservient to burial uses, (and which real estate shall have been platted and recorded as cemetery grounds,) shall be likewise exempt as above.
Indivisible.	
Number held by individuals.	
Lots held for sepulture only.	§ 8. Every lot sold by the cemetery company for burial purposes shall be held by the proprietors for the purpose of sepulture only, and shall be transferable only by the consent of the board of directors; and no lot holder shall permit interments in or upon any lot held by him for a consideration.
Transfers.	
Donations and bequests.	§ 9. The said corporation may take and hold any grant, donation or bequest of property, real or personal, upon trust, to apply the same or the income thereof, under the direction of the board of directors, for the improvement or embellishment of said cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or gravestone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot, or for improving the said premises, in any other manner or form consistent with the design and purposes of this act, according to the terms of such grant, donation or bequest.
Streets and roads.	§ 10. No streets or roads or other thoroughfares shall be laid out through any property selected and held by said cemetery company for burial purposes without the consent of the board of directors; nor shall any of the land so selected and held be condemned for right of way by any other corporation, for any purposes whatever: <i>Provided</i> , that this section shall only apply to such lands as shall have been platted and recorded, as provided in section six (6) of this act.
Right of way.	
Penalty for injury to and destruction of property, grounds, etc.	§ 11. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure, placed within the inclosure of said cemetery company, or any fence, railing or other work erected

for the protection or ornament of said cemetery, or any tomb, monument, gravestone or other structure placed therein as aforesaid, or shall willfully destroy, cut, break, injure or remove any tree, shrub, plant, or any part thereof, within the limits of said cemetery, or shall shoot or discharge any gun or other firearms, or any fireworks, or any missile capable of doing any injury to any structure or plant as aforesaid, within the limits of said cemetery, aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, be punished by a fine of not less than five nor more than one hundred dollars; or, upon conviction thereof before any other court of competent jurisdiction, shall be punished by a fine as aforesaid, or by imprisonment for a term not exceeding one year, or both, at the discretion of the court having jurisdiction thereof, according to the nature and aggravation of the offense; and such offender shall also be liable in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of said company, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by said corporation, under the direction of the board of directors thereof, to the reparation and restoration of the property destroyed or injured, as above; and members of the said corporation shall be competent witnesses in such suits. And to enable the said corporation to enforce the provisions of this section, power and authority are hereby given to the superintendent and gate keeper of said corporation, to enforce the provisions of this section. Power and authority are hereby given to the superintendent and gate keeper of said corporation, for the time being, respectively, to arrest, without process, any person or persons who, to their knowledge, may have committed any offense against the provisions of this section, and shall carry such offender or offenders before a justice of the peace, for trial or examination: *Provided*, this section shall extend to all persons under the age of ten years as well as above.

§ 12. That the proceeds of the sale of lots shall be applied to the payment of the debts of the corporation, to laying out, improving, ornamenting the burial grounds of said corporation, and to the payment of such other indebtedness, liabilities or charges as shall be incurred by the corporation in carrying out the purposes of this act, and to no other whatever: *Provided*, that the board of directors shall have power and it is hereby made their duty to invest any surplus funds, after the payment of the indebtedness of the corporation, until they shall need them for the purposes aforesaid, in such bonds of the United States, of this state, or of the city of Aurora, as they shall deem most to the benefit, advantage and security of the funds so invested to this company, so that the interest of such investment may go to

Disposition of
proceeds of
sales of lots.

Proviso.

increase the cemetery fund, which shall always be kept and applied to the purposes of this act, as aforesaid, and no other.

§ 13. This act shall be taken and read in all courts as a public act, and shall take effect from and after its passage.

APPROVED February 28, 1867.

In force March
5, 1867.

AN ACT to incorporate the Shelbyville Cemetery Association.

Corporators.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Charles C. Scovil, Anthony Thornton, Chatten Kelley, Dudley C. Smith, and Thomas W. Harris, and all such persons as shall hereafter become or be owners of stock, or proprietors in the association hereby created, are hereby created a body politic and corporate, by the name and style of "The Shelbyville Cemetery Association," for the purpose of establishing and maintaining a cemetery for the burial of the dead, at or near the city of Shelbyville, in Shelby county, in this state; and by that name shall have perpetual succession, and be capable of suing and being sued, plead and be impleaded, in law and equity; of contracting and being contracted with, and may make and use a common seal, and alter the same at pleasure; and may acquire, hold and sell real and personal estate for the purposes of this act, and may do, generally, all such things as are incident to a corporation or necessary to give full effect to this act, and may make by-laws, rules and regulations, consistent with this act, for the government and well ordering of said association and its officers, property and affairs.</p>
Name and style.	
Purpose.	
Powers.	
Managers.	<p>§ 2. All the corporate powers of said association shall be vested in and exercised by a board of managers consisting of five persons, members of said association. The said Charles C. Scovil, Anthony Thornton, Chatten Kelley, Dudley C. Smith and Thomas W. Harris, are hereby constituted the first board of managers. Every board of managers shall hold office for two years, and until their successors are appointed. An election for managers shall be held at the city of Shelbyville, on the first Monday in May, one thousand eight hundred and sixty-eight, and thereafter biennially on the first Monday of May. Each stockholder shall, at such elections, have one vote; the voting shall be by ballot, and either in person or by proxy authorized in writing; the board for the time being, or a majority thereof, appointing such person for judge and such person for clerk of election as they shall choose. A majority of votes cast shall decide the election; and a certificate, in that behalf, under the hand of the judge and clerk, shall be sufficient evidence in all places, of such election and its result. Vacancies in the board during any term, may be filled by a</p>
Term of office.	
Election of	
Manner of holding.	

majority of remaining managers. And if at any time, no election shall be held on the day, respectively hereinbefore specified, the election may, notwithstanding, be held at such time as may be provided for in that behalf by the by-laws.

§ 3. *Provided always, and it is hereby enacted,* that Proviso.
whenever the number of the members of the association shall not exceed five, then and from thenceforth and until the number shall again exceed five, and until managers be elected at an ordinary election, or a special one to be called in that behalf, the corporate powers of said association shall vest in and be exercised by the remaining members of said association or their legal guardians, during minority, as managers: *Provided, also,* that if at any time there shall be Second provis .
no member who can legally act as manager, the corporation shall not thereby be dissolved, but the circuit court of Shelby county may, on application, appoint a manager or managers for the time being. Legal guardians shall be entitled to exercise all rights and privileges under this act for minor members and may hold office during the minority, *Provided,* Third proviso.
also, that when all burial lots of the cemetery of the association shall be sold or disposed of by said association then immediately upon the happening of that event, and from thenceforth, the holders of said lots shall become, be and constitute the corporation aforesaid, with all the same rights, powers, duties and privileges under this act, as far as may be, and so far as the same shall remain unexpended as were vested in the original members.

§ 4. The board of managers shall choose a president Officers and employees.
out of their own number, and may appoint such other officers and employees as they may deem necessary, all of whom except the president shall be removable at pleasure, and the board may prescribe and vary, from time to time, the duties of its several officers and their compensation and fees; and if a treasurer be appointed he shall enter into, procure and give to the association such bonds or other securities relative to his duties as the board may require and approve.

§ 5. The board of managers shall have power to receive Duties and powers of board of managers.
subscriptions for the purchase of property and the laying out and ornamenting of grounds for cemetery purposes under this act; and may issue certificates representing interests of subscribers in the property held by the association, and in the proceeds of the sales of burial lots; and the individual interests represented by such certificates shall be assignable, and transferable only in such way as the managers for the time being may from time to time direct; and such individual interests are hereby declared to be personal estate; and the managers shall have authority to call in and demand from the subscribers the sums respectively subscribed by them, at such times and in such installments as they may deem proper, and either to compel the payment of such installments or to declare all the estate and interest of the

defaulting subscribers, respectively, and all previous payments thereon, if any, forfeited to the association. And it shall be lawful for the managers to receive, at their option, such real or personal property, at an equitable valuation, in payment of subscriptions, as they may deem available for the purposes of the association, and no subscriber shall be liable for the debts of the company in a greater amount than the interest actually owned by him at the time.

Possession of
real estate.

§ 6. The association are hereby empowered to acquire, by purchase, exchange or otherwise real estate for cemetery purposes, in or near the city of Shelbyville, aforesaid; and shall have power to sell or otherwise dispose of such part of real estate they may be compelled to purchase in order to obtain their cemetery grounds; and power is hereby further given to said association, from time to time, to acquire by any of the means aforesaid, and add to their cemetery any lands adjoining thereto, but said cemetery and additions shall not comprise more than one hundred acres.

Subscription of
city of Shelby-
ville.

§ 7. The city council of the city of Shelbyville is hereby authorized to subscribe and pay to said company the sum of two thousand dollars to aid in carrying out the purposes and intent of this act.

Requirements
and obligation
of association.

§ 8. The association are hereby required to inclose and at all times keep inclosed their cemetery grounds, with a good and sufficient fence, and they are hereby authorized and empowered to ornament their said grounds as they shall think proper, and to erect thereon such buildings, inclosures or structures as they may deem advisable, and to lay out said grounds into burial lots of one or more size, and into ways and alleys (setting apart a sufficient portion for the free burial of the poor and the stranger), and to cause their said grounds to be surveyed and platted, and that plat, having been attested by the surveyor and acknowledged by the president before any officer having authority to receive acknowledgments of deeds, may be recorded in the recorder's office of Shelby county; and such recording shall have the same virtue and effect, as far as may be, as the recording of town plats, and shall operate as a legal vacation of all former roads, streets or alleys passing through the same; and, except as is provided for by this act, no road, street, alley or right of way, whether public or private, shall be laid out or condemned through said grounds.

Sale of burial
lots.

§ 9. The association shall have power to sell and dispose of the burial lots in fee simple, on such terms and with such conditions, if any, for the permanent care and preservation of the same or of the cemetery or any part thereof, as they may agree upon with purchasers; and to make such regulations, from time to time, for the government of lot holders and visitors to the cemetery, as they may deem necessary.

Exempt from
taxation.

§ 10. All burial lots sold to individuals shall be indivisible, but may be held in undivided shares, and shall, to

the number of four to each individual, be free from taxation and from execution and attachment; and the cemetery grounds, together with the personal property of the corporation actually used or held by the corporation for burial purposes or subservient thereto, or for the general uses of the lot holders, shall likewise be exempt, as above.

§ 11. A certificate of purchase, signed by the president and attested by the secretary, and under the corporation seal, shall be a sufficient conveyance to, and evidence of title in any purchaser without more; and no purchaser shall transfer his estate or interest, without the consent of the managers. Burial lots shall be held for the purpose of sepulture only, and no lot holder shall permit interment in or upon any lot held by him for compensation.

§ 12. The association shall keep records of all their purchases, sales, orders, elections, proceedings and transactions, which shall be open at all reasonable times to the inspection of the members.

§ 13. The said corporation may take and hold any grant, donation, devise or bequest of property real or personal, upon trust, to apply the same, or the income thereof, under the direction of the board of managers, for the improvement or embellishment of the cemetery or for the erection, repair, preservation or renewal of any tomb, monument or grave-stone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants in or around any cemetery lot of said cemetery, or for improving said cemetery in any other manner consistent with the design and purposes of this act, according to the terms of such grant, donation, devise or bequest.

§ 14. *It is further enacted*, that the board of managers shall have power, in case they deem it proper to do so, to levy upon each lot sold in said cemetery, an annual tax not exceeding the sum of two dollars per lot, for the purpose of paying the expenses of keeping the cemetery grounds in good order and of keeping up the fences; and shall further have power and control over the improvements and shrubbery of each lot sold, so as to prevent the streets and alleys of said cemetery from being obstructed by trees or shrubbery.

§ 15. *It is further enacted*, that no person shall be allowed to place, erect or construct upon any cemetery lot, any objectionable, indecent or obscene tombstone, vault, grave jewel, monument, engraving or device. The board of managers shall have the power to treat the same as a nuisance, and cause the same to be removed from the grounds of said association; and, if done by or with the consent of the owner of the lot, then, on repetition of the same or a like offense, the board may declare such lot forfeited to the association, which shall thereupon re-possess the same as of their former estate.

Evidence of title.

Transfers of interest.

Records.

Donations, grants, etc.

Taxes.

Objectionable tombstones, etc.

Nuisances.

§ 16. This act shall be a public act, and shall take effect from and after its passage.

APPROVED March 5, 1867.

In force May 5, 1867. AN ACT to authorize Isaac N. Morris to lay out a part of the southwest quarter of section eleven, township two south, range nine west, as a burying ground, and to convey the same, or any part thereof, to the mayor and aldermen of the city of Quincy, on terms to be mutually agreed upon between the parties.

Described lands to be surveyed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Isaac N. Morris be and he hereby is authorized to survey, when in his judgment the public necessity may require it, lay out and appropriate for a burying ground a part of the southwest quarter of section eleven, in township two south, and in range nine west of the fourth principal meridian, in Adams county, and attach the same to Woodland Cemetery, in the city of Quincy, in said Adams county, on terms to be mutually agreed upon between him, his heirs or assigns, and John Wood, his heirs or assigns; and as an addition thereto, or to keep the same as an independent burying ground, to be called the "Bluff Cemetery," so that the said burying ground shall not exceed forty acres, or by his heirs or assigns, as the case may be.

Terms.

Name.

Plat to be acknowledged and recorded. § 2. That the plat of said addition or burying ground, as the case may be, shall be acknowledged by the said Isaac N. Morris, and recorded in the recorder's office of Adams county.

Exemption from taxation. § 3. That from and after the recording of said plat, and the sale of lots therein, the premises included in said Bluff Cemetery, shall be exempt from all taxes, and that from and after the time aforesaid, the premises shall be annexed to and form a part of the said city of Quincy.

Conveyance of. § 4. That the said Isaac N. Morris, his heirs or assigns, be, and he or they are hereby authorized to convey to the city of Quincy, the premises included in said cemetery, or any part thereof, to be held by the said city for the purpose of a burying ground, forever, on such terms and conditions as may be agreed on between the said Isaac N. Morris, his heirs or assigns, and the mayor and aldermen of said city; and the said city is hereby authorized to accept and receive the title of said premises, to be held only for the purpose and on the trust aforesaid, and to sell and convey any lot or lots therein to any purchaser or purchasers thereof.

Purpose.

Grounds to be laid out for burial purposes. § 5. The mayor and aldermen of the said city of Quincy are hereby authorized and empowered to lay out for burying purposes the ground, or any part of it, lying between

said Woodland Cemetery and the ground owned by said Isaac N. Morris, in said section eleven, two south, nine west, and sell and convey lots therein by the mayor of said city, or to sell a part or all of said ground to any other person or persons, for such purposes and none other: *Provided*, said sale shall be at public auction, and two-thirds of the board of aldermen may agree to use said grounds as a cemetery.

Sale and conveyance.

Proviso.

§ 6. Should there be any mistake in the particular description of the land to be laid out by the said Isaac N. Morris, this act shall be construed and considered as applying to the land or ground owned by said Morris in said section eleven, two south, of range nine west, in Adams county.

Mistake in description, etc.

APPROVED March 5, 1867.

AN ACT to amend an act entitled "An act to incorporate Oak Woods Cemetery Association," approved February 12, 1853. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any person who shall willfully destroy, mutilate, deface, injure, cut, break, loosen, tear up or remove any tomb, monument, stone, vault, ornament, fence, tree, shrub, flower, plant, railing or building or object, whatever, in or about the said cemetery, or in any avenue, lot or part thereof, or shall fish, hunt or shoot or discharge any gun, pistol or fire-arms, or fire-works, or other missiles within the limits of said cemetery, or shall cause any shot or missile to be discharged into or over any portion of said [cemetery,] or shall violate any of the rules made and established by the board of directors as hereinafter provided, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace in Cook county, be punished by a fine of not less than five dollars, nor more than one hundred dollars, or by such fine and imprisonment in the county jail for not less than one nor more than thirty days, and shall stand committed until such fines are paid. One-half of such fines shall go to the cemetery company and the other half in the manner provided by law for the disposition of fines. Nothing herein contained shall deprive the said association from maintaining an action of trespass for the recovery of damages occasioned by any injury resulting from a violation of the provisions of this act, or of the rules established by the board of directors, which said damages when recovered, shall be applied in repairing the injuries so made.

Penalties for injury of property.

Rules and regulations.

§ 2. The said board of directors are hereby authorized to make rules regarding the driving of buggies, carriages, processions, vehicles and teams and the speed thereof, the use of the avenues, lots, walks, ponds, lakes, water courses, vaults, buildings or other places, or for the maintenance of good order, quiet and sobriety in the said cemetery, or in the streets adjoining the same, or about the gates thereof, and all persons found guilty of a violation of such rules shall be punished in the manner provided in the foregoing section, and the said directors shall cause to be posted copies of said rules at each gate, and in two or more public places in the said cemetery. No justice of the peace shall be disqualified from hearing any cause that may be brought before him under the provisions of this act, nor shall any person be disqualified from testifying in such cause or acting as a juror therein by reason of any interest they or either of them shall have in the stock or lots of said association.

Policemen, duties of.

§ 3. The directors are hereby authorized to appoint one or more policemen, who shall be authorized to arrest on any day of the week, without process, any person suspected of a violation of the provisions of the second section of this act, or of the rules established by the directors as hereinbefore provided, and carry such offender before any justice of the peace in Cook county, who shall thereupon proceed to hear and determine the case, and in case of guilt, impose such fine and penalty as the nature of the case requires pursuant to the provisions herein contained. Any such policeman shall have the right to call to his assistance any and all persons whose assistance may be needed in the exercise of his authority.

Capital stock.

§ 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and deemed personal property, and transferable as such on the books of the association, in such manner and subject to such rules and regulations as the directors shall determine. Each share of stock shall entitle the holder thereof to one vote at the election of directors, or to increase the capital stock, or determination of such other questions as shall be submitted to them by the directors.

Vote of shareholders.

Nothing herein shall be construed as invalidating the certificates of stock already issued or interest in said association, or any of the acts of the directors or officers of said association, and the said corporation is deemed fully organized for all the purposes contained in this act, or the act to which this is an amendment. The directors and officers of said association shall elect by the stockholders, at their annual meeting, and shall hold their offices respectively for one year, and until their successors are chosen and qualified, and the directors may fill vacancies in their number. The said association may, at any annual meeting or special meeting called for that purpose, increase the capital stock

Organization.

Elections.

Vacancies.

from time to time, to any amount they may deem necessary for the interest and growth of said cemetery. Section five (5) of the act to which this is an amendment, is hereby repealed. Increase of the capital stock.

§ 5. The said board of directors shall have the power to make such improvements in the said cemetery or the streets adjoining the same as they shall deem proper, and may regulate and control the manner in which trees and shrubs shall be planted, or the erection of tombs, monuments, vaults, stones and railings, or other improvements, or ornaments, in and about any lot that may belong to, or be occupied by, any person in said cemetery. The said directors shall make a report of their proceedings at each annual meeting of the stockholders. Improvement.

§ 6. The said association may purchase and own lands for their said cemetery not exceeding in all five hundred acres, and may sub-divide the same into lots, and no road, street, alley or thoroughfare, shall be laid out or opened through their said grounds, or any part thereof, without the consent of the directors, nor shall any corporation now existing, or hereafter created, be authorized to take, hold or possess any portion of said cemetery by condemnation without such consent. The said directors shall have power to donate for charitable purposes one or more lots in said cemetery. Purchase and own lands. Donations for.

§ 7. So much of the act to which this is an amendment as is inconsistent herewith, is hereby repealed, and this act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Evergreen Cemetery.

In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Amzi Andrews, J. Perry Johnson, John George Middendorff, Davis Smith and Gabriel S. Jones, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Evergreen Cemetery of Chester;" and by that name shall have perpetual succession, and shall have all the powers, rights and privileges, liabilities and immunities incident to a corporate body.* Corporators. Name and style.

§ 2. Said association shall have power to own real estate not exceeding twenty-five acres, and personal property not exceeding at one time one thousand dollars, which shall be exempt from taxation and from attachment and execution. May own real estate.

- Object. § 3. The object of this association shall be exclusively to lay out and inclose and ornament a plat of ground to be used as a burial place for the dead.
- Laying out of lots. § 4. Said association shall have power to lay out the burial place into lots of suitable size, and sell the same, purchasers of which shall use the same as herein contemplated, and for no other purpose.
- Sale of.
- Appropriation of funds, etc. § 5. The proceeds of such sales and other funds which may come into the possession of the association, shall be appropriated and used in inclosing the grounds and improving and ornamenting the same, or in other objects connected with the association.
- Trustees. § 6. The persons named in the first section of this act, shall act as trustees of the association for one year from the first day of March, A. D. 1867, and until their successors are elected and qualified, they shall organize by appointing one of their number president, and by appointing a treasurer, a secretary and a superintendent.
- Term of.
- President.
- Membership. § 7. Every person holding one or more lots shall be a member of this association, and shall be entitled to one vote only; absent members shall have power to vote by proxy.
- Annual election of trustees. § 8. The owners of lots shall annually, on the first Saturday in March, elect five trustees of the association, who shall serve for one year, and until their successors are elected and qualified; any neglect to elect trustees on said day shall not act as a forfeiture of this act of incorporation.
- By-laws and regulations. § 9. The trustees may make all necessary by-laws and regulations for laying out, ornamenting and keeping in repair said cemetery, and for preserving other property of the association; they shall appoint such officers, agents or servants as may be necessary, define their duties and affix their compensation.
- Rights of property. § 10. The right of property to any lot or lots which may be purchased, shall be vested by certificate of stock, signed by the secretary and recorded in a book kept for that purpose by the secretary, and every transfer of such lots shall be made by surrendering such certificate to the secretary, who shall destroy it and issue a new one and make an entry thereof.
- Register of interments. § 11. It shall be the duty of said association to keep a register in a well bound book, of all interments made in said cemetery, with all the particulars connected therewith, such as name of deceased, date of interment, age, place of nativity, etc., so far as can be ascertained, which books shall be open and free for the inspection of any one interested therewith. This act to take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to amend an act entitled "An act to incorporate the Canton Cemetery Company," approved February 1, 1851. In force Feb. 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2) of an act entitled "An act to incorporate the Canton Cemetery Company, approved February 1st, 1851," be and the same is hereby amended so as to read as follows: "Said company shall have power to hold the land above described, to own or possess by purchase or gift, real estate, not exceeding one hundred acres, and personal property not exceeding two thousand dollars for the use and purposes of said cemetery, which shall be exempt from taxation, execution or appropriation for public uses. Section 2 of act approved Feb. 1, 1851, amended.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the Golconda Cemetery Association.

In force February 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Gilbert, John Toole, Theodore Steger, William S. Vinyard and John M. Raum, and their successors be and they are hereby constituted a body corporate and politic, by the name and style of "The Golconda Cemetery Association;" and by that name to have perpetual succession, and shall have and possess, and be invested with all the powers, rights, privileges and immunities incident to a corporate body. Name and style.

§ 2. The capital stock of said company shall consist of five thousand dollars, to be divided into shares of five hundred dollars each, which stock may be paid in real estate; and upon the subscription of five shares, said company may organize and proceed to business. Capital stock.

§ 3. The quantity of land to be received for stock subscription, or held by said company, shall be limited to twenty acres, and in the receipts of real estate as stock a majority of said board shall fix the value of said real estate so taken as stock. Quantity and value of land for stock subscription.

§ 4. All real estate, whether purchased or subscribed as stock, shall be conveyed to said company for the purposes hereinafter named. Conveyance of real estate.

§ 5. The object of said association shall be exclusively and solely to lay out and inclose and ornament a plat or piece of ground, not to exceed twenty acres, as aforesaid, to Objects and purposes.

be used as a burial place, to which, if thought best, may be added a floral garden, by said association; and said piece of ground, so held and platted, shall forever be exempt from taxation and execution.

Officers. § 6. The officers of said association shall be a president and secretary. Said secretary shall also act as treasurer, who, with one other of said association, may pass necessary by-laws, or do any other business; said officers of president and secretary to be chosen on the first Monday of May, in each year and hold their offices until their successors are chosen, and a failure to elect on said day shall not operate as a forfeiture of this charter. Any vacancy that may happen at any time, in said offices of president or secretary, such vacancy may be filled by a majority of said corporate members, or their successors.

Vacancies.

Burial grounds. § 7. Said association shall have power to sell and convey any portion of their land or lots in said burial ground, for the purpose of a burial place. The evidence of title to the purchaser shall be a certificate signed by the secretary of said association, as such.

Evidence of title.

Vacation of office of corporators. § 8. Upon the death, resignation or removal of any or either of the above corporate members, a majority of the remaining members shall proceed to fill said vacancy or vacancies.

Certificates of purchase assignable, etc. § 9. Certificates of purchase of any lot or ground from said association shall be assignable but by consent of the secretary of said company. Said certificate may be surrendered to said association, and a new one issued to any person designated by the original holder of the same.

Disposition of funds. § 10. One-fourth of all moneys received for sale of ground, for the purpose aforesaid, shall be expended in improving and ornamenting said grounds, so to be laid out, as aforesaid; the balance to be paid to the stockholders.

§ 11. This act to take effect from and after its passage.
APPROVED February 25, 1867.

In force April 20 1867. AN ACT to change the name of Lucilla Deen to Mary Ann Scurlock, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the name of Lucilla Deen shall be changed to Mary Ann Scurlock.*

§ 2. That she shall be the adopted child of William R. and Ann W. Scurlock, and shall be raised, governed and

educated by them, until she is eighteen years old, and shall be their legal heir, both in law and equity.

§ 3. This act shall be taken as evidence in courts of law or equity in this state.

APPROVED February 20, 1867.

AN ACT to change the name of Susan H. Smith,

In force April
19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Susan H. Smith, of Henry county, be and is hereby changed; and that she may hereafter, in all business transactions and relations of life, be known, named, called and recognized by the name of Susan H. Jennings.

APPROVED, February 19, 1867.

AN ACT to change the name of Minnie Adela Miller, and make her the heir of Robert M. Dihel and Catharine R. Dihel.

In force Feb. 28,
1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Minnie Adela Miller, who is now bound to and residing with Robert M. Dihel, at Sunbeam, Mercer county, Illinois, be and the same is hereby changed to Minnie Adela Dihel, and by the said name of Minnie Adela Dihel she shall hereafter be known and called.

Name changed.

§ 2. That the said Minnie Adela Dihel shall be and is hereby made and constituted a legal heir of said Robert M. Dihel and Catharine R. Dihel, his wife, with full power and authority to take, hold and enjoy, and transmit any and all property that shall or may descend to her from said Robert M. Dihel or Catharine R. Dihel, his wife, in the same manner as if she had been a natural born child of said Robert M. Dihel and Catharine R. Dihel, his wife: *Provided*, that said Robert M. Dihel and Catherine R. Dihel, his wife, shall first execute, under their hands and seals, and acknowledge before some justice of the peace, clerk of the circuit or county court of Mercer county, a certificate, certifying and acknowledging the said Minnie Adela Dibel to be their legal heir and adopted daughter; which said certificate shall be recorded by the recorder of said Mercer county, the same as deeds and other writings are required to be recorded, and

Legal heir-at-law.

Certified and
acknowledged.

certified copies thereof shall be evidence in all courts and places.

Rights, powers
and privileges
conferred.

§ 3. That when said Robert M. Dihel, and Catharine R. Dihel, his wife, shall have made their certificate, as specified in section two of this act, and caused the same to be filed for record in the said recorder's office of said Mercer county, he shall from that time have, use and exercise all the rights, powers, privileges and duties, and be subject to all legal liabilities over and concerning said Minnie Adela Dihel, as if she were the natural born child of Robert M. Dihel and Catharine R. Dihel, his wife; and the said Minnie Adela Dihel shall be subject to the same control of said Robert M. Dihel and wife, and to legal liabilities and restraints under them as if she were their natural born child, until she shall arrive at the age of eighteen years.

§ 4. This act shall be a public act, and so taken and deemed in all courts and places, and shall be in force from and after its passage.

APPROVED February 28, 1867.

In force March 11, 1867. AN ACT to change the name of John W. Semon to that of John W. Lee, and make him heir-at-law of John W. Lee and Mary F. Lee.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of John W. Semon be and the same is hereby changed to that of John W. Lee; that he be made heir-at-law of John W. Lee and Mary F. Lee.

Name changed.
Made heir-at-law.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 11, 1867.

In force Feb. 28, 1867. AN ACT to change the name of George Ludwig Theodore Peterson to Christian Grader.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of George Ludwig Theodore Peterson, a resident of Cook county, and citizen of the state of Illinois, be and the same is hereby changed to Christian Grader.

This act to take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to change the name of Thomas Morris Francis to Thomas Francis Sellick. In force Feb. 28, 1867.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Thomas Morris Francis, a resident of Cook county, and citizen of the State of Illinois, be and the same is hereby changed to Thomas Francis Sellick.

This act to take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to define and legalize the names of Anna and Emma, and constitute them heirs at law of Layton Collar and Electa J. Collar. In force Feb. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Emma and Anna, (their other name being unknown,) shall hereafter be called and known as Emma Collar and Anna Collar. Names declared

§ 2. That the said Emma Collar and Anna Collar shall be and they are hereby declared to be entitled to all the rights that would belong or pertain to them were they the daughters of the said Layton Collar and Electa J. Collar; and the said Emma Collar and Anna Collar shall, for all purposes whatsoever, be the heirs at law of said Layton Collar and Electa J. Collar, with full power to take, hold, enjoy and transmit any and all property that shall or may descend to them from the said Layton Collar and Electa J. Collar, or either of them, in the same manner as if they had been the natural born children of said Layton Collar and Electa J. Collar. Rights and privileges. Heirs at law. May hold and enjoy property

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to change the name of Thomas Griffin to Thomas Jefferson Wilson, and make him heir at law of Harry S. Wilson and Clara A. Wilson. In force Feb. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Thomas Griffin be and the same is hereby changed to that of Thomas Jefferson Wilson. Name changed.

Rights.

Heir at law.

Powers and privileges.

§ 2. That the said Thomas J. Wilson shall be and is hereby declared to be entitled to all the rights that would belong or pertain to him were he the son of the said Harry T. Wilson and Clara A. Wilson; and the said Thomas Jefferson Wilson shall, for all purposes whatsoever, be the heir at law of said Harry T. Wilson and Clara A. Wilson, with full power to take, hold, enjoy and transmit any and all property that shall or may descend to him from them, or either of them, in the same manner as if he had been a natural born child of said Harry T. Wilson and Clara A. Wilson.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force March 5, 1867. AN ACT to change the name of Ary J. Huffman to that of Ary J. Yapp, and to make him the legal heir of Jacob Yapp.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Ary J. Huffman be and the same is hereby changed to that of Ary J. Yapp.

§ 2. That the said Ary J. Yapp is hereby declared and made the legal heir-at-law of Jacob Yapp, of the town of Georgetown, county of Vermilion, and state of Illinois.

§ 3. That this act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March 7, 1867. AN ACT to change the name of Augusta Ernestine Kurth to that of Augusta Ernestine Retzlöff, and to make her heir at-law of John Retzlöff.

WHEREAS, Augusta Ernestine Kurth, an infant, has lost both her parents by cholera, and has no one to provide for her; and whereas, John Retzlöff is desirous to adopt the same, and to make her his heir-at-law; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Augusta Ernestine Kurth be changed to Augusta Ernestine Retzlöff.

§ 2. That the said Augusta Ernestine Kurth shall and is hereby declared to be heir-at-law to John Retzlöff, and

entitled to all the rights that would belong and pertain to her were she the daughter of John Retzlöff.

§ 3. This act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to change the names of Mary Frances Runyan and Frank Clark Runyan to Mary Frances McVicker and Frank Clark McVicker, and make them heirs at law of James H. McVicker. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Mary Frances Runyan, of Chicago, in the county of Cook, and state of Illinois, be changed to Mary Frances McVicker, and the name of Frank Clark Runyan, of the same place, be changed to Frank Clark McVicker.

§ 2. That the said Mary Frances McVicker and Frank Clark McVicker shall be and they are hereby declared to be heirs-at-law of James H. McVicker, of Chicago, aforesaid, and entitled to all the rights which would belong or pertain to them were they the natural children of the said James H. McVicker.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to change the name of Emmaretta Orcutt to Emma Orcutt Brackett, and make her heir at law of Horace Dennison Brackett. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Emmaretta Orcutt, of Galesburg, Knox county, Illinois, be changed to that of Emma Orcutt Brackett.

§ 2. That the said Emma Orcutt Brackett shall be and is hereby declared to be entitled to all the rights that would belong or pertain to her if she was the daughter of the said Horace Dennison Brackett, of Galesburg, Knox county, Illinois.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March 9, 1867. AN ACT to change the name of Minnie McMahon to Minnie Mather, and make her the heir-at-law of Frederick H. Mather and Rhoda E. Mather.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Minnie McMahon be and the same is hereby changed to that of Minnie Mather.

§ 2. That the said Minnie Mather shall be and she is hereby declared to be entitled to all the rights that would belong or pertain to her were she the daughter of the said Frederick H. Mather and Rhoda E. Mather; and the said Minnie Mather shall, for all purposes whatsoever, be the heir-at-law of said Frederick H. Mather and Rhoda E. Mather, with full power to take, hold, enjoy and transmit any and all property that shall or may descend to her from them, or either of them, in the same manner as if she had been a natural born child of said Frederick H. Mather and Rhoda E. Mather.

§ 3. This act shall be in force from and after its passage.

APPROVED March 9, 1867.

In force March 8, 1867. AN ACT to change the name of Mary Alice Waters to that of Mary Alice Williamson, and declaring her to be an heir-at-law of Eli Williamson.

WHEREAS, Eli Williamson has petitioned the general assembly of the state of Illinois to change the name of Mary Alice Waters to that of Mary Alice Williamson, and for declaring her to be an heir-at-law of the said Eli Williamson; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Mary Alice Waters be and the same is hereby changed to that of Mary Alice Williamson; and that the said Mary Alice Williamson be and she is hereby declared an heir at-law of the said Eli Williamson, to the same force and effect as though a natural born child of said Williamson.

§ 2. This act shall take effect from and after its passage.

APPROVED March 8, 1867.

AN ACT to change the name of Anna M. Houston to that of Anna M. Littleton, and to adopt and thereby constitute Anna M. Littleton an heir-at-law of Jacob Littleton, as one of the children of the said Jacob Littleton. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Anna M. Houston be changed to the name of Anna M. Littleton, and that by the name of Anna M. Littleton she shall hereafter be known and called.

§ 2. That the said Anna M. Littleton shall and is hereby declared to be an heir-at-law of Jacob Littleton, and entitled to all the rights that would belong or pertain to her were she the daughter of the said Jacob Littleton.

§ 3. This act shall be a public act, and take effect from and after its passage.

APPROVED March 9, 1867.

AN ACT to change the name of Etta Belle Holt to Etta Belle Turney, and to make her heir-at-law of Fayette Turney. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Etta Belle Holt, an infant, residing with Fayette Turney, in the county of Marion, state of Illinois, be and the same is hereby changed to Etta Belle Turney.

§ 2. That the said Etta Belle Turney shall be and is hereby declared to be heir-at-law of Fayette Turney, and entitled to all the rights that would belong to her were she the daughter of the said Fayette Turney.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to change the name of George Washington Goodman to William Felt. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of George Washington Goodman be and the same is hereby changed to William Felt.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

In force March 8, 1867. AN ACT to change the name of a certain person therein named, and make her heir-at-law of Alfred A. Crarey and Eunice J. Crarey.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Emma Lucas, sometimes known as Emma Driscoll, the adopted daughter of Alfred A. Crarey and Eunice J. Crarey, be and the same is hereby changed to Emma Linda Crarey; and the said Emma is hereby constituted and declared to be the heir at law of said Alfred A. Crarey and Eunice J. Crarey; and in case of the death of said Alfred A. Crarey and Eunice J. Crarey, or either of them, intestate, the said Emma Linda Crarey shall inherit the property, both real and personal, of such intestate or intestates, in the same manner and to the same extent that she might do were she the child of said Alfred A. Crarey and Eunice J. Crarey.

§ 2. This act shall be a public act, and take effect and shall be in force from and after its passage.

APPROVED March 8, 1867.

In force Feb. 9, 1867. AN ACT to amend an act entitled "An act to change the name of the German United Evangelical Protestant Congregation of the Lutheran and Reformed Confession, in Quincy, Illinois, and to incorporate the same by the name of the "Evangelical Lutheran Church of St. John, Quincy, Illinois."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of an act entitled "An act to change the name of the German United Evangelical Protestant Congregation of the Lutheran and Reformed Confession, in Quincy, Illinois, and to incorporate the same by the name of the 'Evangelical Lutheran Church of St. John, Quincy, Illinois,'" approved January 26th, 1849, as reads as follows, to-wit: "And the said congregation, by the name and style last aforesaid, and to its pastors for the time being, shall be and ever shall remain in regular connection with the district synod in the bounds of which it may be under the jurisdiction of the general synod of the Evangelical Lutheran Church of the United States of America," be and the same is hereby repealed.

Part of act approved 26 Jan., 1849, repealed. Election of trustees. § 2. So much of said act, to which this act is an amendment, as requires the election of trustees of said corporation to be held on Easter Monday, in each and every year, after the first election, is hereby repealed, and it shall be lawful for such election of trustees to be held, in the manner prescribed by said act, on the first Monday in January in

each and every year, or on such other day in each year as said corporation shall by their by-laws determine and direct.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 9, 1867.

AN ACT to amend an act entitled "An act to incorporate the German Evangelical Salem's Church, of Quincy, Illinois." In force Feb. 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of the act entitled "An act to incorporate the German Evangelical Salem's Church, of Quincy, Illinois," approved February 22, 1861, be so amended as to authorize and empower, and said German Evangelical Salem's Church of Quincy, Illinois, corporation aforesaid, is hereby authorized and empowered to acquire real estate, by gift, devise or purchase, and to have, hold and convey the same, in any quantity not exceeding sixty acres at any one time, for the purpose of a cemetery, anything in said section one to the contrary, notwithstanding. Name.
Authority and powers.
Purpose.

§ 2. That the property which may be so acquired by the said corporation, during its investiture in the same and also while used for burial purposes, shall be exempt from taxation. Property exempt from taxation.

§ 3. That this act, as well as the act to which this is an amendment, shall be taken and construed in all courts and places as a public act, and be in force from and after its passage. How construed.

APPROVED February 21, 1867.

AN ACT to change the name of the Union Grove Baptist Church. In force Feb. 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the society of Baptists, worshipping at Morrison, Illinois, be and is hereby changed from "The Baptist Church of Union Grove" to the "First Baptist Church of Morrison." This act to take effect and be in force from and after its passage. Name changed.

APPROVED February 21, 1867.

In force Feb. 21, 1867. AN ACT to amend an act entitled "An act to incorporate the Evangelical Lutheran Synod of Missouri, Ohio, and other States," approved February 16th, 1865.

Officers to be elected and appointed by synod. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section five (5) of an act entitled, "An act to incorporate the Evangelical Lutheran Synod of Missouri, Ohio, and other states," be and the same is hereby so amended as that the president and professors and all instructors in said seminary shall be elected, chosen or appointed by the Evangelical Lutheran Synod aforesaid; and that section six (6) be and the same is hereby so amended as that the election of trustees shall occur at such time and place as is provided by the constitution and by-laws of the synod aforesaid.

Control of property. § 2. The property, real and personal, of the corporation created by this act aforesaid, approved February 16th, 1865, in case of a division of the aforesaid synod shall be held and controlled by such branch of said division as shall remain true to the book of concord of the year A. D. 1580. Amount of property exempt from taxation. And the real estate of the said corporation, to the amount of thirty thousand dollars, actually used for educational purposes, shall be exempt from state, county and township taxation.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

In force Feb. 25, 1867. AN ACT to incorporate the Springfield Hebrew Congregation.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Morris Myers, Silas Leon, Solomon Rosenwald, Daniel Seligman, David Gottlieb, Solomon Stern, Louis Benjamin, Elias Salzenstein, Benjamin Nusbaum, and William Myers, and their associates and successors, forever, are hereby declared and created a body corporate, by the name and style of Name and style. "The Springfield Hebrew Congregation," to be located at Springfield, Sangamon county, state of Illinois; and under that name shall have perpetual succession; shall be capable, Corporate powers. in law, to contract and be contracted with, sue and be sued, implead and be impleaded in all courts of competent jurisdiction; may have a common seal, and alter the same at their pleasure, and may, by purchase, gift or devise, receive, acquire and hold or dispose of real and personal property, in fee or for a term of years.

§ 2. Said corporation shall at all times have full power and authority to ordain, make and establish such by-laws, rules and regulations as they shall judge proper for the better government and regulation of the officers and members of said congregation, and for prescribing the time and place for meeting of said congregation, and the manner by which the objects of the same, to-wit: the worship of God in accordance with the usages and doctrines of the Hebrew faith, and the instruction of the children of said congregation in said usages and doctrines may best be effected. Such by-laws, rules and regulations not to be inconsistent with the laws of this state and of the United States.

Government
and direction
of affairs.

§ 3. That in all suits of law or equity brought against this congregation, or in any suit brought by this congregation against any of its members or against any other person or persons, any member of this congregation shall be admitted as a competent witness.

Suits of law.

§ 4. This act to be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the Peoria Hebrew Congregation Anshai Emeth, of the city of Peoria, county of Peoria, in the state of Illinois. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Abraham Frank, Henry Ullman, Leopold Ballenberg, Simon Lyon, Henry Schwabacher, Max Newman, Leopold Louis, Leopold Rohrback, Abraham Washenheimer, Morris Rosenheim, David Schwarzman, Gerson Bloom, Henry Netter, Isaac A. Weil, David Eppsteiner, Isaac Rosenfeld, Joseph Daum, Julius M. Cohen, Jonas Solomon, Aaron Frank, Jonas Carrosky, Joseph Schratzky, Abraham Field, Simon Kaufman, George Wiener, Henry Ottenheimer, Daniel Frank, L. B. Bennett, Moses Eppsteiner, Jacob Schwabacher, August Frank, J. L. Dreifuss, Harry Ullman, Joseph Schwabacher, and S. Sanders, their associates and successors, be and they are hereby declared and constituted a body corporate and politic, by the name and style of "The Peoria Hebrew Congregation Anshai Emeth of Peoria, Illinois;" and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have and to use a common seal, and alter the same at pleasure; to make, alter and amend such constitution and by-laws, not inconsistent with the constitution of the United States and of the state of Illinois, as they may deem necessary and proper for the

Corporators.

Name and style.

Corporate powers.

government of said congregation, its officers, agents and servants: *Provided*, that such constitution and by-laws shall not be contrary and inconsistent with the fundamental principles of the Hebrew faith.

- Officers § 2. The officers of said corporation shall consist of the president, one vice president, one secretary, one cashier, and three trustees, who shall be elected annually, at such time and place and in such manner as may be designated by the constitution or by-laws of said congregation, and, when elected, shall constitute and be called the Board of
- Term of office. Administration, and shall act as such until their successors are elected and installed; and the officers and trustees now in office shall continue to act as such until their successors are duly elected and installed; and all property, real, personal and mixed, now owned and possessed by said congregation, shall be vested in said board of administration and their successors in office, for the use and benefit of said congregation, forever; and the said board of administration, for the time being, shall have power, by the president and secretary, under the seal of said corporation, to execute deeds of conveyance of and concerning the estate and property herein authorized to be held by such congregation; and such deeds of conveyance shall have the same effect as like deeds made by natural persons: *Provided*, that no deed or conveyance shall be made of any estate held as aforesaid so as to defeat or destroy the interest or effect of any grant, donation or bequest which may be made to such congregation; but all grants, donations and bequests shall be appropriated and used as directed by the person or persons making the same: *Provided*, if it be not in a manner contrary to the principles of the Hebrew faith.
- Vested property
- Powers of board
- Proviso.
- Proviso.

- Constitution and by-laws in force. § 3. That the constitution and by-laws now in force and heretofore adopted by said congregation shall be and continue in full force and effect until annulled, changed or amended in the manner provided therein: *Provided*, that the same are not inconsistent with the constitution of the United States and of this state and with the general laws of this state.
- Proviso.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force May 8, 1867. AN ACT to legalize the acts of trustees of the Methodist Episcopal Church of Chillicothe.

Preamble. WHEREAS, on the fourth day of August, 1863, a board of trustees of the Methodist Episcopal Church of Chillicothe, Peoria county, Illinois, were elected, consisting of C. H.

Clapp, Henry Truett, L. H. Thomas, Geo. H. Clapp, and Alexander F. Pool; and, whereas, the said board, elected as above stated, having failed to have any record made of their election in the recorder's office of said county, and otherwise failing to legalize themselves as a board of trustees for said church, and in the meantime have acquired title to property for the use of said church to the value of some five thousand dollars; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That E. H. Clapp, Henry Truett, L. H. Thomas, Geo. H. Clapp, and Alexander F. Pool, be and they are hereby declared to be a board of trustees for the Methodist Episcopal Church of Chillicothe, Peoria, county, Illinois, from the date of their election (August fourth, 1863); and any title they have acquired or may hereafter acquire for the use and benefit of said church shall be valid in law.

§ 2. That the present board of trustees act until their successors are chosen, as provided by general law, approved March 3rd, 1845.

APPROVED March 8, 1867.

AN ACT to incorporate the Chicago Union Club House.

In force Feb.
12, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the persons who shall become and continue stockholders in the corporation created by this act and in the manner herein provided are made and constituted a body corporate and politic, by the name and style of "The Chicago Union Club House," and as such corporation shall have perpetual succession, may sue and be sued, may make contracts, and make, use or alter a common seal, and have and exercise all the powers, privileges and immunities and be subject to all the liabilities incident to a body corporate and politic.

§ 2. The capital stock of said corporation shall be three hundred thousand dollars, and shall be divided into shares of fifty dollars each, to be deemed personal property, and transferable as such on the books of the corporation, in the manner and subject to the restrictions provided in the by-laws. It shall be lawful for the board of directors to determine the time when and the amounts in which the installments of stock shall be paid; and they may levy and collect annually, over and above such installment, and assessment or annual due on each share of stock. The said company, through their board of directors, shall have power to impose fines and penalties on the members of said corpo-

Actions of debt.	<p>ration who shall be guilty of a violation of the rules and by-laws, and may, for causes designated in the by-laws, suspend or expel members, or they may declare forfeited any shares of stock on which remains due and unpaid for the space of thirty days, any installment, assessment or annual due; and said corporation may maintain an action of debt in any court of competent jurisdiction, to recover the amount of any such fine, penalty, installment, assessment or annual due levied, assessed or called for. The said board of directors shall be authorized to prescribe the duties of the officers and agents of said corporation, and may require from them bonds, with or without surety, to be approved by the board, with such conditions as they shall see fit to impose; and may make by-laws and rules for the government of the officers and board and the management and control of the property, interests and affairs of the corporation.</p>
Duties of officers, agents, etc.	<p>§ 3. There shall be an annual meeting of the stockholders on the first Monday of May in each year, for the purpose of electing the board of directors and the transaction of such other business as shall be laid before them by the directors, and special meetings may be called to consider any matter submitted by the directors: <i>Provided</i>, notice of the object of such special meeting shall have been given by depositing the same in the Chicago post office, addressed to each stockholder, at least one week prior to the time fixed for such meeting. The capital stock may be increased from time to time to any amount not exceeding one million of dollars at any annual meeting. Each share of stock shall entitle the holder thereof to one vote for the election of directors and on all questions submitted to the stockholders: <i>Provided</i>, no share shall be entitled to a vote on which there is due and unpaid any installment, assessment or annual due, and no person shall, after the organization of this corporation, be permitted to become a subscriber to the capital stock without the sanction of the directors, nor shall any share of stock be transferable on which there remains due and unpaid any installment, assessment or annual due, nor to any person who has not been, by vote of directors, admitted to the privilege of becoming a stockholder. The date of holding the annual meeting may be changed by vote of the corporation at any annual meeting.</p>
By-laws and rules.	<p>Proviso.</p>
Annual meetings of directors. Purposes of.	<p>Increase of stock.</p>
Vote of stockholders.	<p>Commissioners.</p>
	<p>§ 4. John B. Rice, John C. Dore, William Bross, John Jones, John Wentworth, James P. Root, Joseph Medill, A. C. Hessing, John M. Wilson, Henry Smith, Horace White, C. L. Wilson, Hasbrouck Davis, J. F. Ballantyne, E. L. Taylor, J. D. Ward, Chauncey T. Bowen, Thomas B. Bryan, Grant Goodrich, P. W. Gates, W. L. Newberry, Henry Farnham, J. Y. Scammon, Perkins Bass, George W. Gage, Jacob Rehm, Norman Williams, jr., E. B. McCagg, Merrill Ladd, Norman B. Judd, A. F. Stevenson, D. S. Hammond, Charles H. Reed, John V. Farewell, L.</p>

U. Bond, H. M. Shepherd, M. W. Leavitt, H. M. Singer, J. S. Reynolds, Charles Mears, John H. Foster, John L. Hancock, William L. Church, U. R. Hawley, John L. Thompson, Robert Lincoln, L. A. Irwin, J. M. Allen, Walter Kimball, J. L. Beveridge, F. A. Eastman, R. M. Hough, George M. Kimbark, John K. Pollard, Elliot Anthony, C. N. Holden, Samuel McRoy, T. M. Avery, W. F. Milligan, Iver Lawson, C. C. P. Holden, George Schnider, Isaac Spear, Peter Page, Charles Walker, George Armour, E. S. Solomon, George Sherwood, Avery Moore, and such others as they shall associate with them, are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said company and to determine the form of such subscription and fix the amount to be subscribed, prior to the complete organization of said corporation, as herein provided. When the amount so fixed shall have been subscribed, the said commissioners shall convene a meeting of the subscribers at such time and place as they shall determine, notice thereof having been first given in at least two of the Chicago daily papers, also by depositing a written or printed notice in the Chicago post office, addressed to each subscriber; and at such meeting the subscribers to the capital stock shall, under such rules and regulations as shall be fixed by the said commissioners, proceed to the election of a president, vice president, secretary and treasurer and seven directors, which said officers and directors shall constitute the board of directors of said corporation, who shall hold their office until the next annual meeting and until their successors are chosen and qualified. Upon the election, as aforesaid, the duties of said commissioners shall end, and this corporation shall be deemed fully organized and may thereupon exercise all the powers granted by this act.

Stock subscrip-
tion

Meetings.

Notice of.

Election of
officers.

Organization.

§ 5. The said corporation are hereby authorized to purchase, erect, hire, use, maintain and operate a club house or public hall with the necessary equipments and appurtenances for public meetings or the use and occupation of said corporation, its officers, committees or employees, together with such stores, restaurants, reading rooms, library, or other rooms or apartments in connection with or attached thereto, as they shall deem proper; and they may, from time to time, rent out their said hall or club house, stores, offices, restaurants or other rooms or apartments; and may own and maintain a library and reading room in their said building, and may admit such persons to the use of the same as they shall deem proper, and may inaugurate lectures, speeches or other public entertainments. The said corporation shall be authorized to hold, own and enjoy so much real estate as shall be necessary for the object and purpose of their organization; and they may sell and dis-

Business and
operations.

pose of the same when the interest of the said corporation shall require; and may change the location of their said club house or hall.

§ 6. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED February 12, 1867.

In force April
21, 1867.

AN ACT to incorporate the Chicago Caledonian Club.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert Hervey, chief, Hugh Macalister, first chieftain, George Kennedy,*second chieftain, Wm. M. Dale, third chieftain, and the other present clansmen and members of the Chicago Caledonian Club, and such other persons as may hereafter be admitted members of said club according to the rules and regulations thereof, be and the same are hereby declared and constituted a body corporate and politic, under the name and style of "The Chicago Caledonian Club;" and shall have perpetual succession, and a common seal, and may alter the same at pleasure; and, in and by such name, may sue and be sued, implead and be impleaded, prosecute and defend, in all and every suit or suits at law or in equity, in all courts whatsoever, and in all matters and places where legal or equitable proceedings are had; and, if necessary, to sign, execute and deliver, by the chief and third chieftain of said club for the time being, under the seal thereof, (and when sanctioned by a vote of the club, at a regular or called special meeting for that purpose,) all arbitration or other bonds which may be necessary for obtaining the legal rights or advancing the interests of said club; and, also, in and by such name, to acquire, purchase, hold, grant, bargain, sell, alien and convey any property, whether real, personal or mixed; and to loan the money and funds of the club and take promissory notes, bonds, mortgages or other evidences of indebtedness for the funds or money so loaned; and to make and, from time to time, alter, as the said club may deem proper and expedient, a constitution and by-laws for said club, declaring the purposes and defining the powers of said club, the time and manner of the election of the officers of said club and the number and duties of such officers, and, generally, such other provisions for the good government of said club as a majority of the members present at any meeting may determine: *Provided*, that such constitution and by-laws shall not in any manner conflict with the constitution and laws of the United States or of this state.

Corporators.

Name.

Powers, etc.

Sell and convey property.

Constitution and by-laws.

§ 2. The constitution and by-laws of said club, when recorded in the records of said club, shall be in full force; and the production of such records containing the same shall be received as evidence of the facts therein stated in all courts of justice and upon all lawful occasions.

Records to be received as evidence,

§ 3. The said corporation shall not at any one time hold personal property to a greater amount than fifty thousand dollars and real estate to a greater amount than fifty thousand dollars; and the same shall be used, sold, exchanged or dealt with in such manner as shall be provided for in the constitution and by-laws or as may be authorized by a vote of a majority of the members of the club present at any regular meeting and in accordance with the provisions of such constitution and by-laws.

Personal property.

§ 4. The rooms and meeting of said club shall be kept and held in the city of Chicago; and, in case any donation, devise or bequest shall be made to the said club for particular purposes, and said club shall accept the same, every such donation, devise or bequest shall be faithfully applied, in conformity with the conditions imposed by and for the purposes indicated by the donor or testator.

Place of meetings.
Donations.

APPROVED February 21, 1867.

AN ACT to amend an act to incorporate the Springfield Roman Catholic Ursuline Convent of St. Joseph, in force February 24, 1859. in force Feb. 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all the sisters of the Springfield Roman Catholic Ursuline Convent of St. Joseph, residing or to reside in the city or near the city of Springfield, are hereby constituted a body politic and corporate, with all the corporate powers necessary to carry out the objects of this act, under the name and style of "The Springfield Roman Catholic Ursuline Convent of St. Joseph."* The corporation hereby created may adopt and use a common seal, and alter and change the same at pleasure; and may sue and be sued in any and all courts of this state or United States.

Name and style.

§ 2. On the first Wednesday in March, A. D. 1867, and every three years thereafter, the sisters shall elect five trustees from among their number of professed sisters, who shall hold their offices for three years and until their successors are elected; and, together with the mother superior of the order in Springfield, shall constitute the board of trustees of the Springfield Roman Catholic Ursuline Convent of St. Joseph.

Government and direction.

- The superior. § 3. The superior, duly elected or appointed by the Roman Catholic bishop, according to the rules and laws of the Roman Catholic church, shall be, during her term, *ex-officio* president of said board.
- Secretary and treasurer. § 4. The said board may elect from their number a secretary and treasurer, who shall hold their offices for three years; and in the event of the death of any member of the said board, the remaining members may fill the vacancy; and the majority of the board, with the president, shall constitute a quorum.
- By-laws. § 5. The said board may establish all by-laws, not inconsistent with the constitution of the United States, or of this state, which they may deem necessary for the internal management of the affairs of said board, and for the government of said institution.
- Honorary degrees. § 6. The aforesaid corporation shall have power to confer honorary degrees in education, and to grant diplomas for the same.
- Vested rights. § 7. The corporation hereby created may receive any gift, conveyance, devise or bequest of any property, real and personal; and may make any contract, buy, sell and convey the same in this their corporate capacity, and the said corporate body and their successors shall continue to possess the property so bought, received or otherwise acquired by the present or future trustees in their corporate capacity for the benefit, maintenance and support of said religious institution.
- Division of property in certain cases. § 8. If ever this institution or corporation shall cease for any reasons whatsoever, all their property, real or personal, after all debts and due claims are paid, shall, under the direction and supervision of the bishop of the diocese, be divided into three parts; two-thirds shall be divided equally among the sisters then living in the community, the other third shall be divided among the orphans and poor schools in the diocese, according to his discretion.
- § 9. This act to take effect and be in force from and after its passage.

APPROVED February 22, 1867.

in force March 9, 1867. AN ACT to incorporate the "Alton Roman Catholic Ursuline Convent of the Holy Family."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Corporators. bishop of Alton, and all the sisters of "The Alton Roman Catholic Ursuline Convent of the Holy Family," residing, or to reside in the city, or near the city of Alton, are here-

by constituted a body politic and corporate, with all the corporate powers necessary to carry out the objects of this act, under the name and style of "The Alton Roman Catholic Ursuline Convent of the Holy Family." The corporation hereby created may adopt and use a common seal, and alter and change the same at pleasure; and may sue and be sued in any and all the courts of this state or United States.

Name and style

§ 2. On the second Wednesday in March, A. D. 1867, and every three years thereafter, the said bishop and the sisters shall elect five trustees of their community, who shall hold their offices for three years, and until their successors are elected, and together with the bishop of Alton and the mother superior of the order in Alton, shall constitute the board of trustees of "The Alton Roman Catholic Ursuline Convent of the Holy Family."

Election of trustees.

§ 3. The bishop of Alton shall be *ex-officio* president of said board of trustees, and the mother superior, duly elected or appointed by the Roman Catholic bishop, according to the rules and laws of the Roman Catholic church, shall be, during her term of office, *ex-officio*, vice president of said board.

President.

Vice president

§ 4. The said board may elect from their number a secretary and treasurer, who shall hold their offices for three years; and in the event of the death of any member of said board, the remaining members may fill the vacancy; and the majority of the board, with the president, shall constitute a quorum.

Secretary and treasurer.

§ 5. The said board may establish all by-laws, not inconsistent with the constitution of the United States, or of this state, which they may deem necessary for the internal management of the affairs of said board, and for the government of said institution.

By-laws.

§ 6. The aforesaid corporation shall have power to confer honorary degrees in education and to grant diplomas for the same.

Honorary degrees.

§ 7. The corporation hereby created may receive any gift, conveyance, devise or bequest of any property, real and personal; and may make any contract, buy, sell and convey the same, in this their corporate capacity; and the said corporate body and their successors shall continue to possess the property so bought, received or otherwise acquired by the present or future trustees, in their corporate capacity, for the benefit, maintenance and support of said religious institution.

Gifts, devises, bequests, etc.

§ 8. If ever this institution or corporation shall cease, for any reasons whatsoever, then all property, real or personal, (after all debts and due claims are paid,) shall, under the direction and supervision of the bishop of the diocese, or his successors, be divided into three parts; one-third shall be divided equally among all the sisters then living in the community;

Division of property in event of cessation of corporation.

the other two-thirds shall be divided among the orphans and poor schools in the diocese, according to his discretion.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force February 6, 1867.

AN ACT to charter the city of Mattoon.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants of the city of Mattoon, in the county of Coles and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "the City of Mattoon," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Style of corporation.

Boundaries.

§ 2. The boundaries of said city shall include within their limits, all within the following boundaries: Commencing at the north east corner of the southeast quarter of section number twelve (12), township number twelve (12), north of range number seven (7) east of the third (3) principal meridian, in Coles county, state of Illinois, and running thence due west to the northwest corner of the southwest quarter of section number eleven (11) same township and range aforesaid, thence due south to the southwest corner of the northwest quarter of section number twenty-three (23) same township and range aforesaid, thence due east to the southeast corner of the northeast quarter of section number twenty-four (24) same township and range aforesaid, thence due north to the place of beginning.

Addition to city

§ 3. Whenever any tract of land adjoining the City of Mattoon, shall be laid off into town lots and recorded according to law, the same shall be annexed to, and form a part of said city.

Powers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal in said city, and to purchase, receive and hold property real beyond the limits of said city, for burial grounds for the use of the inhabitants of said city; and to sell, lease, convey and improve property, real and personal, for the benefit of said city, and to do all other things in relation thereto as natural persons.

Rights and privileges.

1st ward.

§ 5. The city of Mattoon shall be divided into two (2) wards. All of that part of said city lying and being east

of the Illinois Central Railroad shall constitute ward number one (1) and all that part of said city lying and being west of the Illinois Central Railroad, shall constitute ward number two (2). 2d ward.

The city council shall have power to divide and subdivide said wards as occasion may require, and fix the boundaries thereof, having regard to the number of male inhabitants. Subdivision of wards.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENTS.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and four aldermen from each ward until such time as the city is divided into four (4) wards, after which the representation in the city council shall be two aldermen from each ward. The other officers of the corporation shall be as follows: A city clerk, a city treasurer, a city marshal, a city police magistrate and one (1) city supervisor, to each ward of the two wards created by this act. All of the above named officers shall be elected by the people. In addition to these, the city council shall have power by ordinance or resolution to appoint a city attorney, a city surveyor and engineer, and, when the city shall contain six thousand inhabitants, a city assessor and collector shall be appointed. All of these officers, whenever elected or appointed, shall, in addition to the duties prescribed by this act, perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance. City council.

Clerks, treasurer, marshal, police magistrate and supervisors.

To be elected by the people.

City attorney, surveyor and engineer.
Assessor and collector.
Duties of officers.

§ 2. At the annual charter election, to be held on the first Monday of April of each year, there shall be elected by the qualified voters of said city, a mayor, city clerk, city marshal, city treasurer, and, once in four years, a city police magistrate; and the person having the highest number of votes in the whole city, for either of such offices, shall be declared elected. At the same time the electors, in their respective wards, shall elect the number of aldermen and supervisors which are provided for in section first, of article 2d, of this act. City election.

§ 3. All officers elected or appointed under this act, except aldermen and city police magistrate, shall hold their offices for one year and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the second Monday of April in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by Tenure of office

Removal from office.	the mayor, to continue in office during the pleasure of the city council: <i>Provided</i> , the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term, only, and until the election or appointment and qualification of their successors. The city police
Term of office of police magistrate.	magistrate shall hold his office for four (4) years.
Qualification of aldermen.	§ 4. The several wards of the city shall be represented in the city council by a certain number of aldermen from each ward, (as provided in article 2nd, section 1st, of this act,) who shall be <i>bona fide</i> residents thereof, and hold their office for two (2) years, from and after their election, and until the election and qualification of their successors. At the first meeting of the city council, after the annual election in April next, the aldermen shall be divided, by lot, into two classes, consisting of an equal number of aldermen from each ward; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the board shall be elected annually.
Term of office of aldermen.	§ 5. If from any cause there shall not be a quorum of aldermen remaining in office, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him his office shall thereby become vacant. If, from any cause, the officers herein named shall not be appointed on the second Monday of April in each year, the city-council may adjourn from time to time until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected the city council may forthwith order a new election.
Vacancies.	§ 6. Any officer elected or appointed to any office may be removed from such office by vote of three-fourths of the aldermen authorized by law to be elected; but no officer shall be removed, except for good cause, nor unless first furnished with the charges against him, and heard in his defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges then the city council may declare the office vacated: <i>Provided</i> , this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed at any time by a vote of three-fourths, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges, when preferred.
Removal from office.	§ 7. Whenever any vacancy shall occur in the office of mayor, alderman, or city police magistrate, such vacancy

shall be filled by a new election; and the city council shall order such special election within ten days after the happening of such vacancy. When any vacancy in the other offices made elective shall occur the city council shall order a special election within ten days after the happening of such vacancy, unless more than nine months of their time has expired; in which case the city council shall appoint.

Special election
for city officers

§ 8. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold office created by this act; but no person shall be eligible to any office under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty (30) days, after demand made, to account for and pay over to the party authorized to receive the same any public money which may have come into his possession; and if any person holding any such office or place within the city shall become a defaulter, whilst in office, the office or place shall thereupon become vacant.

Qualification of
officers.

Qualifications of
city officers.

§ 9. When two or more candidates for any elective office shall have an equal number of votes for such office the election shall be determined by casting of lots, in the presence of the city council.

Tie vote.

ARTICLE III.

ELECTIONS.

SECTION 1. A general election of all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the first Monday of April in each year, at such places as the city council may appoint, and of which ten (10) days previous public notice shall be given, by written or printed notices, in three (3) public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.

Time, place and
manner of city
elections.

§ 2. The manner of conducting and voting at elections held under this act, and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same as nearly as may be as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections, and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned

Manner of vo-
ting and con-
testing.

Duties of judges

sealed to the city clerk within two days after the election, and thereupon the city council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office; shall be declared elected. It shall be the duty of the city clerk to notify all persons elected, or appointed to office, of their election or appointment, and unless such person shall qualify within twenty (20) days thereafter, the office shall become vacant.

Notice of election to person elected.

Qualifications of electors.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and has not been a resident of said city at least six months next preceding said election, he shall have been, moreover, an actual resident of the ward in which he proposes to vote, for twenty (20) days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution), and have been a resident of this state for one year, and a resident of this city six months immediately preceding this election, and am now, and have been for the last twenty (20) days past, a resident of this ward, and have not voted at this election." *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Oath.

Proviso.

Closing of bar rooms on election day.

§ 4. No election shall be held in any grogshop or other place where intoxicating or malt liquors are vended by retail; nor shall any such place be kept open for the sale or giving away of such liquors on the day of any civil election in said city.

No civil arrests on election day.

§ 5. All persons entitled to vote at any election held under this act shall not be arrested in civil process within said city upon the day on which said election is held; and all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

Oath of officers.

§ 1. Every person chosen or appointed to an executive, judicial, or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Oath of mayor.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm: "That he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the council, and shall take care that the laws of this state and the ordi-

Duties of mayor

nances of this city are duly enforced, respected and observed within the city, and that all other officers of the city discharge their respective duties; he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

§ 3. He is hereby authorized to call on all male inhabitants of the city or county over the age of eighteen (18) years to aid in enforcing the laws of the state or the ordinances of the city; and any person who shall not obey such call shall forfeit to said city a fine of not less than five (5) dollars.

§ 4. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of his books and papers, and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

Mayor may examine the records of city officers.

§ 5. He shall be liable to indictment in the circuit court of Coles county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and upon conviction shall be subject to a fine not exceeding one hundred (100) dollars, and the court shall have power, upon recommendation of the jury, to add as part of the judgment, that he be removed from office.

Indictment of mayor.

§ 6. He shall receive such salary as may be fixed by ordinance, not exceeding five hundred (500) dollars per annum.

Salary of mayor

§ 7. He shall, *ex officio*, have power to administer any oath required to be taken by this act, or any law of the state; to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

Powers of the mayor.

§ 8. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over its meetings, whose official designation shall be "acting mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy shall be filled by a new election.

Proceedings in case of absence or disability to act as mayor.

§ 9. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor or the payment of street taxes during their term of office.

Privileges of city council members.

§ 10. The clerk shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the city council and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts of the journals of the pro-

Duties of city clerk.

ceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced; he shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.

Duties of city attorney.

§ 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council, or its committees: *Provided, however*, that the office of city attorney and city clerk may be vested in the same person.

Duties of city treasurer.

§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid, the treasurer shall exhibit to the city council at least twenty (20) days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Police magistrate to be commissioned by governor.
Oath of police magistrate.

§ 13. The city police magistrate shall be commissioned by the governor of the state of Illinois, as a justice of the peace, and as such shall give bond and take and subscribe the same oath of office as is now or may hereafter be required of justices of the peace, by the laws of the state of Illinois. He shall be a conservator of the peace within said city—he shall have power and authority to administer oaths, issue writs and process, take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and certify the same as other justices of the peace.

Duties and powers of police magistrate.

Jurisdiction of police magistrate.

He shall have exclusive original jurisdiction in all cases where a punishment is provided for by the ordinances of the city of Mattoon, and concurrent jurisdiction, power and authority in all cases whatsoever with justices of the peace, arising under the laws of the state, and shall be entitled to the same fees for his services as justices of the peace in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by the law governing justices of the peace, a change of venue shall be granted from the police magistrate of said city, in all cases (except in cases for the violation of any of the ordinances of said city) to the nearest justice of the peace, who is hereby

Fees of same.

Appeals and change of venue.

invested, in such cases, with all the authority of the police magistrate, and he shall proceed to try the same: *And, provided, also,* that either party shall have a right to appeal to the circuit court of Coles county in all cases in the same manner as is provided by law, regulating appeals from justices of the peace.

§ 14. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines or otherwise. He shall possess the powers and authority of a constable at common law, and under the statutes of this state, and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the county court as in other cases. He shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof.

Duties of city marshal.

§ 15. The city engineer, or surveyor, shall have sole power, under the direction and control of the city council, to survey within the city limits, and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the city council shall direct and prescribe. He shall possess the same powers in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof and contract for the erection of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council and approved by them or they shall not be valid.

Duties and fees of city engineer or surveyor.

Powers of surveyor.

Duties of city surveyor.

§ 16. The assessor and collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments, which may be levied by the city council, and perform such other duties as may be herein prescribed or ordained by the city council.

Duties of assessor and collector.

§ 17. The supervisors shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto. It shall also be their duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof,

Duties of supervisors.

Construction of
sidewalks.

Duties of su-
pervisors.

What the city
council may
require of city
officers.

Failure of city
officer to de-
liver books,
etc. to succes-
sor.

Officers to be
commissioned
by city.

and the construction and repairing of bridges, culverts and sewers; to order the laying, re-laying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the costs thereof among the persons or lots of property chargeable therewith, and deliver the account thereof to the clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts and sewers; to keep full and accurate accounts in appropriate books, of all appropriations made for work pertaining to their office, and of all disbursements thereof, specifying to whom made and on what account; and they shall render monthly accounts thereof to the city council.

§ 18. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Mattoon, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them, which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office.

§ 19. If any person, having been an officer of said city, shall not, within ten (10) days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description, in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay for the use of the city, fifty (50) dollars, beside all damages caused by his refusal or neglect so to deliver, and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the law of the state.

§ 20. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal, signed by the mayor, presiding officer of the city council or clerk.

ARTICLE V.

POWER OF THE CITY COUNCIL AND DUTIES.

City council.

§ 1. The mayor and aldermen shall constitute the city council of the city of Mattoon. The city council shall meet at

such time and place as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

Mayor shall preside and have casting vote.

§ 2. The city council shall receive such compensation for their services as the city council may direct: *Provided*, that no member of the city council shall receive more than three dollars for each regular monthly meeting of the city council, and not more than one dollar for every called or special meeting of the same; and if any member shall be absent from any meeting of the city council, he shall not receive pay for that meeting. No member of the city council shall be appointed to, or be competent to, hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract the expense or consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily.

Pay of city council.

City council not to be interested in contracts, etc.

§ 3. The city council shall hold twelve stated meetings (one in each month) during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the city council, served personally or left at their usual places of abode. That said city of Mattoon shall not at any time issue city bonds for a greater amount than five thousand dollars (\$5,000) without submitting the question of issuing such bonds to a vote of the legal voters of said city, which vote or election shall be held as elections are now held under this charter for the election of such officers of the corporation, as by this act are required to be elected by a vote of the people. If there is a majority in favor of issuing bonds, then it shall be lawful for the corporation, acting through the proper officer, to issue bonds. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings, and be judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.

Meetings of the city council.

City bonds.

Petitions, etc. to city council.

§ 4. The city council shall have the control of the finances and of all the property, real, personal and mixed belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance.

City council shall control finances.

First.—To borrow money on the credit of the city and issue the bonds of the city therefor, but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding the interest upon the aggregate of which shall exceed the one-half of the city revenue arising

May borrow money.

from the ordinary taxes within the city, for the year immediately preceding, and no bonds shall be issued or negotiated at more than ten per cent. below par value, and when so issued and negotiated the interest on the same shall not exceed eight per cent. per annum. The appropriations of the city council for payment of interest for improvements and for city expenses during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt or the creation of a sinking fund for that purpose or to the carrying on of the public works of the city or the contingent fund for the contingent expenses of the city.

Appropriations
for expenses.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city.

General powers
of city council.

Third.—To make regulations to prevent the introduction of contagious diseases into the city to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Fourth.—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

General powers
of city council.

Fifth.—To provide the city with water, to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants and prevent the unnecessary waste of water.

Powers of coun-
cil.

Sixth.—To have the exclusive power and control over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same—to put drains and sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachments or injury.

May construct
and repair
bridges, etc.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and cross-ways, and regulate the construction and use of the same, and abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof, by any person or persons.

Lighting the
city.

Eighth.—To provide for lighting the streets and erecting lamp posts and lamps thereon, and regulate the lighting there-

of, and from time to time create, alter and extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks.

Ninth.—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and the erection and location, and to authorize their erection in the streets and avenues of the cities. Market houses

Tenth.—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds. Public grounds and cemeteries.

Eleventh.—To erect and establish one or more hospitals or dispensaries and control and regulate the same. Hospitals.

Twelfth.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, fire wood, posts, awnings, signs, or other substances or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them. Blocking the streets, etc.

Thirteenth.—To license, tax and regulate merchants, commission merchants, inn-keepers, brokers, money brokers, insurance brokers and auctioneers; and to impose duties on the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements. Licenses and taxes by city council.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to regulate and restrain runners for stages, cars and public houses. Licenses.

Fifteenth.—To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and bowling alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bandy houses, gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming. To regulate drinking houses, etc.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars, or more than one thousand dollars shall be charged for any license under this act, and the fees for issuing the same shall not exceed one dollar, but no license for the sale of wines or other liquors,

ardent or vinous, fermented or malt, at wholesale or retail by grocery keepers, inn-keepers, or others shall be issued for less than fifty dollars, or more than one thousand dollars.

Restrain the sale of intoxicating liquors.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Forestalling and regulating.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Supervision of butchers.

Nineteenth.—To regulate, license and prohibit butchers, and to revoke their licenses for mal-conduct in the course of trade.

Weights and measures.

Twentieth.—To establish standard weights and measures and to regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders or dealers in merchandise or property of any description which is sold by measure or weight to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Inspection of lumber, etc.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Regulating the sale of hay, fuel, etc.

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of fire wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Regulating the inspection of meats and groceries.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and other liquors, to be sold in barrels, hogsheads, and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the state, except at the request of the owner thereof, or his agent.

Regulate sale of bread.

Twenty-fourth.—To regulate the weight and quality of the bread to be sold within the city.

Twenty-fifth.—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Regulating bricks.

Twenty-sixth.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

City police.

Twenty-seventh.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place within the city, and to provide for the punishment of any and all persons engaged therein, by fine or imprisonment, or both.

Maintain the public peace.

Twenty-eighth.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses, or other animals attached to vehicles, or otherwise, while standing or remaining in the streets.

To prevent racing and fast driving.

Twenty-ninth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Vagrants, prostitutes, etc.

Thirtieth.—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats, and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for the violations of any ordinances in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof, and to levy a special tax on dogs not exceeding one dollar.

Prevent the running at large of animals.

Thirty-first.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others for the purpose of business, amusement or otherwise.

To prevent flying kites and other annoying practices.

Thirty-second.—To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

To abate nuisances.

Thirty-third.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

Thirty-fourth.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, privy, stable, sewer or other unwholesome or nauseous house or place; to cleanse, remove or abate the same,

To preserve cleanliness in the city.

as may be necessary for the health, comfort and convenience of the inhabitants.

Distilleries,
breweries,
slaughtering
houses, etc.

Thirty-fifth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Burial of dead.

Thirty-sixth.—To regulate the burial of the dead; to establish or regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, and sextons, and others for any default in the premises.

Returns of
deaths and
births.

City census.

Thirty-seventh.—To provide for the taking an enumeration of the inhabitants of the city.

Work house, or
house of cor-
rection.

Thirty-eighth.—To erect and establish a work house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city or for the county of Coles, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail, and any person who shall fail or neglect to pay any fine, penalty or cost imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may instead of being committed to the the county jail of Coles county, be kept therein subject to labor and confinement.

Provision for
destitute chil-
dren.

Thirty-ninth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the street committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

To clean private
premises.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

To regulate rail-
road tracks, etc

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-

outs and switches, shall be so constructed and laid as to interfere as little as possible, with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the street through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys and ditches, sewers and culverts, where the city council shall deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Forty second.—The city council shall have power to open or extend streets or alleys across the right of way, depot or other grounds of any and all railroads now built or hereafter to be built through the corporate limits of said city. When any street or alley shall cross the right of way, depot, or other grounds of any railroad company, such companies shall construct and keep in repair such sidewalks as may be required by ordinance, and good and sufficient crossings across their right of way, depot or other grounds. If any company shall neglect or refuse to build or repair such sidewalks, crossing or crossings, when notified so to do in the manner prescribed by ordinance the city council may cause the same to be done and collect the cost thereof from such company by action of debt or such other manner as may be provided by ordinance.

Power of city council to extend streets and alleys.

Forty-third.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof, to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offence, such fine or penalty may be recovered with cost in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted, and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work house, or required to labor on the streets or other public works of the city, for

Power to pass ordinances.

General powers of city council to govern the city.

such time and in such manner as may be provided by ordinance.

ARTICLE VI.

OF TAXATION.

§ 1. The city council shall have power within the city by ordinance,

Power to levy taxes for general purposes.

First.—To lay and collect annually, taxes not exceeding five (5) mills to the dollar, on the assessed value of all personal and real estate and other property within the city and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

Tax to pay city debt and interest.

Second.—To levy and collect taxes not exceeding three (3) mills to the dollar, per annum on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provision for levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

Tax for public buildings.

Third.—To annually levy and collect taxes on all property subject to taxation, when required for the erection of a city hall, market houses, hospitals, city prison or work house, the purchase of market grounds, public squares or parks, or any other public improvement: *Provided*, the estimated cost of a city hall, work house or market house may be apportioned by the city council and collected by a series of annual assessments; but the cost of market grounds, market houses, public squares or other improvements may be levied and collected upon all the real estate and other property in the natural divisions of the city in which they are located. No local improvement under this section shall be ordered in any division or ward, unless the aldermen from such ward shall vote for the same; but no tax or taxes shall be levied in any one year under this section, which shall exceed five (5) mills to the dollar (except by a vote of the people) on the property assessed for any or all the purposes herein specified. The revenue arising from such markets or other improvements, shall be applied to the liquidation of the cost thereof, and taxes shall be levied and collected to make up the deficiency.

Tax for lighting the city.

Fourth.—To levy and collect upon all property in such districts as they shall from time to time create, a tax sufficient to defray the expenses of erecting lamp posts and lighting the streets in such district or ward, and the tax thus collected shall be exclusively expended for such purpose in the district or ward paying the same.

Fifth.—To require and it is hereby made the duty of every male resident of the city over the age of twenty-one years and under the age of fifty years, to labor not less than three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof such commutation as may be by ordinance required. But no set-off shall be allowed in any suit brought to collect the same.

Tax for street labor.

ARTICLE VII.

ALLEYS AND ASSESSMENTS THEREFOR.

§ 1. The city council shall have power, on the petition of lot owner or owners, in any block, to cause an alley or alleys to be opened in the same; but no petition shall be considered by the city council unless the petitioner or petitioners shall have first notified all persons owning property in said block, by personal notice, or if non-residents, by publication in the newspaper publishing the ordinances of the city, of his or their intention to offer a petition for said purpose.

Power to open alleys.

§ 2. If any owner or lessee, of any lot or property in said block, shall object or remonstrate against the opening of an alley in the same, then it shall be the duty of the city council to appoint, by ballot, three disinterested commissioners, who shall be sworn to discharge their duty in a faithful and impartial manner.

In case of remonstrance against opening alleys.

§ 3. The commissioners shall give at least five days' notice to all parties interested, of the time and place of their meeting, at which time they shall proceed to ascertain the damages, if any, accruing to the person or persons objecting and remonstrating, and at the same time to ascertain what person or persons are benefited by the contemplated alley, and assess the benefits on the persons or property benefited, as near as may be, in proportion to such benefits; but no assessments shall be made on property outside of the block in which the alley is contemplated, nor for a less sum than the damages awarded. Having completed their awards and assessments, the commissioners shall report the same, in writing, at the next regular meeting of the city council.

Proceedings of commissioners to ascertain damages or benefits.

§ 4. It shall be the duty of the city clerk to notify all persons interested of the awards and assessments of the commissioners, and state the time at which the city council will consider and pass upon the same, at which meeting the persons assessed and the persons to whom damages are awarded, shall have the privilege of appearing to show cause, if any, why said awards and assessments should not be confirmed by the city council.

City clerk shall give notice of awards and assessments.

§ 5. The city council shall have the power to alter, amend, confirm or reject said awards and assessments, or refer back said application and remonstrance to the same or

City council may appoint other commissioners.

other commissioners, to be appointed in like manner in their stead. If the awards and assessments are confirmed, an order of confirmation shall be entered directing a warrant to issue for the collection thereof.

§ 6. No alley shall be opened unless the damages awarded shall have first been paid into the city treasury.

§ 7. The city treasurer shall hold the funds so paid, subject to the order of the party or parties in whose favor the assessment was made, and when all the assessments levied shall have been paid into the city treasury it shall be the duty of the city council to direct that an order issue for the opening of the alley petitioned for.

Proceedings in
case of minors
interested in
real estate to
be condemned.

§ 8. Where any known owner or other person, proving an interest in any real estate, residing in the city or elsewhere, shall be a minor, and any proceedings shall be had under this act, the judge of the circuit court of Coles county, the county judge of said county, or any judge of the supreme court may, upon the application of the city council, or such infant, or his next friend, appoint a guardian for such minor, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

ARTICLE VIII.

OF ASSESSMENTS FOR OPENING STREETS AND PUBLIC GROUNDS.

Power of city
council to
make assess-
ments for open-
ing streets and
public grounds

§ 1. The city council shall have power to open and lay out public grounds or squares, streets and highways, and to alter, widen, contract, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted, without the consent, in writing, of all persons owning land or lots and adjoining said street, alley or highway. They shall cause all streets or highways and public squares or grounds, laid out by them, to be surveyed, described and recorded in a book, to be kept by the clerk, showing accurately and particularly, the proposed improvements and the real estate required to be taken, and the same when opened and made shall be public highways and public grounds.

Proceedings in
case of open-
ing streets or
public grounds

§ 2. Whenever any street or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city, at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefited thereby, in proportion as nearly

as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties they shall give at least five days' notice to all persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents, or unknown. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Duties of commissioners.

§ 4. If there should be any building standing in whole or in part, upon the land to be taken, the commissioners before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly the value of such building to him to remove.

In case of building on land to be used for public purposes.

§ 5. At least five (5) days' notice shall be given to the owner of such determination when known and a resident of the city, which may be given personally or in writing left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested, shall be given by publication in the newspaper, publishing the ordinances of the city, such notice shall specify the buildings and the award of the commissioners and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election, to the city council either to accept the award of the commissioners and allow such building to be taken with the land condemned, or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such reasonable time for that purpose as the city council may direct.

§ 6. If the owner refuse to take the building at its appraised value to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction for cash, or on credit, giving five (5) days public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

In case of refusal of the owner

§ 7. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner the value of the real estate appropriated and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due

allowance therefrom, for any benefit which such owner may derive from such improvement. In the estimate of damages to the land, the commissioners shall include the value of the buildings if the property of the owner of the land as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove—in that case they shall only include the difference between such value, and the whole estimated value of such building.

Duties of appraising commissioners.

§ 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owner respectively, and the difference only, in any case, be collected of or paid by them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively, from the improvements.

§ 10. In case the damages arising from the opening of any street, highway, or other public improvement, exceeds the benefits accruing to the real estate through which it passes, or adjacent thereto, then the commissioners shall assess the difference on the inhabitants of the city, ward or district.

Proceedings of appraising commissioners.

§ 11. Having ascertained damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same together with the costs of the proceedings upon the real estate by them deemed benefited in proportion to the benefit resulting from the improvements as nearly as may be, and shall describe the real estate upon which their assessment shall be made. When completed the commissioners shall sign and return the same to the city council, within ten days after completing the same.

Notice to be given by the clerk

§ 12. The clerk shall give ten (10) days' notice by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections shall be heard before the city council, and the hearing may be adjourned from day to day. The city council shall have power in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled all the proceedings shall be void, if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner, and give like notices as herein required

in relation to the first, and all parties in interest shall have the like notices and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination, as are herein given in relation to the first.

§ 13. The city council shall have power to remove commissioners, and from time to time appoint others in place of such as may be removed, or refuse, neglect, or are unable from any cause to serve.

Removal of
commissioners

§ 14. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit, other than the treasurer's hands, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys, or other highways or public grounds may be made and opened.

Land to be
taken for pub-
lic uses.

§ 15. When the whole of any lot or parcel of land or other premises under lease or other contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall upon the confirmation of the report of the commissioners respectively, fully cease and be absolutely discharged.

Effect of con-
demning land
upon leases
and other con-
tracts.

§ 16. When part only of any lot or parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof, so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments received, payable and to be paid for or in respect to the same shall be so proportioned as that part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable in any respect of the same.

Where only a
part of the land
is taken.

§ 17. Any person interested may appeal from any order of the city council for opening, altering, widening or straightening any street or other highway, or public ground, to the circuit court of Coles county, by notice in writing to the mayor, at any time before the expiration of twenty (20) days after the passage of said final order. In case of appeal the city council shall make a return within thirty (30) days after notice thereof, and the court shall at the next term after return filed in the office of the clerk thereof, hear and determine such appeals and confirm or amend the proceedings

Owners of land
may appeal to
the circuit
court.

form which judgment no appeal or writ of error shall lie. Upon the trial of the appeal all questions involved in said proceeding, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the city, or any party. The amount of damages may be assessed by a jury of said court, without formal pleadings, and judgment rendered accordingly, and the burden of the proof shall in all cases be upon the city, to show that the proceedings are in conformity with this act.

The owner and not the tenant shall be considered as the interested party.

§ 18. In all cases where there is no agreement to the contrary, the owner or landlord and not the tenant occupant, shall be deemed the person who shall and ought to pay and bear, every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying, to sue for and recover, of the persons bound to pay the same, the amount so paid with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments.

City council may change the prescribed mode of appraising and condemning land.

§ 19. The city council may, by ordinance, make any changes they may deem advisable, in the proceedings herein prescribed, for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

In case the owner is a minor.

§ 20. Where any known owner, or other person, proving an interest in any real estate, residing in the city or elsewhere, [who] shall be a minor, and any proceedings shall be had under this act, the judge of the circuit court of Coles county, the county judge of said county, or any judge of the supreme court, may, upon the application of the city council, or such minor or his next friend, appoint a guardian for such minor, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act, shall be served on such guardian.

ARTICLE IX.

PUBLIC IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

Grading of streets, etc.

§ 1. The city council shall have power, from time to time, to cause any street, alley or other highway to be graded, regraded, levied, paved or planked, and keep the same in repair, and alter and change the same.

Second—To cause cross and sidewalks, main drains and sewers and private drains to be constructed and laid, re-laid, cleansed and repaired, and regulate the same. Sidewalks, etc.

Third—To grade, improve, protect and ornament any public square or other public ground now or hereafter laid out. Public grounds, etc.

Fourth—The city council shall have power to assess and collect any tax or assessment of the owners of lots or real estate in any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, paving or planking such streets or other highways: *Provided*, that such tax shall not exceed five mills to the dollar per annum of the value of the property assessed. Assessments for improvements on owners.

§ 2. That for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers and drains, having reference to the general plan of drainage by sewers and drains for the whole city, and number and record the same. Sewerage and drainage.

§ 3. Whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax, and the real estate within the district so drained, and not to exceed five mills to the dollar per annum, on the assessed value thereof in proportion to the benefits to said real estate, for the purpose of constructing such sewers and drains, which tax shall be annually levied, as other city taxes, by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may, from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable, principal and interest, from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments, but no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid. Tax for drains and sewers.

§ 4. All owners or occupants of lots or lands in front of, adjoining, or upon whose premises the city council shall order and direct sidewalks or private drains, communicating with any main drain to be constructed, graded, repaired, re-laid, or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such pri- No ordinance creating a debt to be repealed until the debt is paid.

Power to order lots to be filled up.

Power to make repairs on lots and grounds, and assess the cost thereof.

vate drain, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance, or otherwise, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense thereof, by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of the premises as in other cases. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses, by action of assumpsit.

Costs for abating nuisances.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Suit may be brought.

Power to compel owners to keep their grounds clean.

§ 6. The city council shall have power to compel the owners of lots or ground fronting or adjoining any private or public alleys to keep the same clear, and if necessary, to direct the same to be paved, planked or otherwise improved, and the cost thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE X.

Form of assessment lists.

§ 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

Correcting the assessment lists.

§ 2. The annual lists shall be returned by the assessor on or before the first Monday in August in each year, but the time may be extended by order of the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing by publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise

the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

§ 3. When the assessment lists have been corrected and revised the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division or ward of the city upon which the same are levied.

Apportioning
the tax.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council, under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on personal or real estate, and the real estate shall be taken for the taxes on personal estate in case of removal or when the tax can not be made out of the personal estate, in the same manner as is prescribed by the laws of the state: *Provided*, that in case the collection of any assessments shall be delayed by injunction or other judicial proceedings, the same shall continue a lien upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Modes of en-
forcing the
payment of
taxes.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be separately set down opposite the name of the person of such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Clerk to issue
warrant for
taxes.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit, in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for ten

Warrant to be
signed and
sealed.

What shall be deemed a refusal to pay.

Collector shall collect taxes.

(10) days in the newspaper printing the ordinances of the city shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's lists shall in all cases be evidence on the part of the city corporation.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority, as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liability in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Delinquent tax sales.

§ 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, after notice and judgment in the county court, at any time within two years after the confirmation of the assessment by the city council. Before any such sale or order shall be made by the city council, which shall be entered at large in the journals or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, upon which he shall procure judgment as provided by the revenue laws of Illinois, which, together with the warrant, shall constitute the process upon which such sale may be made.

Advertising delinquent tax sales.

§ 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner (when known) and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale and shall be published at least four times. The proceedings may be stopped at any time on the payment of the taxes or assessment and interest with expenses of advertising.

Manner of making delinquent tax sales.

§ 10. All sales shall be conducted in the manner required by law. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a

description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be opened to public inspection at all reasonable times.

§ 11. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any *infant, femme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to said purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered, shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Redemption of land sold for taxes.

Redemption in case of infant, femme covert, etc.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city council shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.

Deeds for tax sales.

§ 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of the land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of sale thereof, and shall be vested with the same rights as other purchasers at such sales.

In case of no bid, then the land to be struck off to the city.

§ 14. All deeds made to the purchasers of lots sold for taxes or assessments by order of the county court, shall be *prima facie* evidence in all controversies and suits in relation to the rights of the purchaser, his heir or assigns, to the premises thereby conveyed, of the same facts as provided by general laws upon the subject of tax deeds.

Tax deeds shall be *prima facie* evidence.

ARTICLE XI.

FIRE DEPARTMENT.

Powers to guard
against fires.

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing wooden buildings within the limits prescribed by them, without their permission and direction, and prescribe that all buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the re-building or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe: *Provided*, that said city council shall pay for all buildings so taken or declared nuisances.

Power to regu-
late flues and
chimneys.

§ 2. The city council shall have power, *First*, to regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the cleaning and sweeping of chimneys.

Fire places and
stove pipes.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure or safe condition, when considered dangerous.

Regulate depo-
sit of ashes.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Power to com-
pel persons to
keep wells and
cisterns.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use thereof in times of fire; and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

To prohibit fire
works, etc.

Sixth.—To regulate, prevent and prohibit the use of fire-works and fire-arms.

Seventh.—To direct and prohibit the management of houses for the storing of gun powder and other combustible and dangerous material within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Concerning
gun powder.

Eighth.—To regulate and prescribe the manner and order the building of parapet and partition walls, and partition fences.

Concerning par-
tition walls and
fences.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same.

Tenth.—To authorize the mayor, fire-wardens, or other officers of said city to keep away from the vicinity of any fire, all idle or suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Authority to
keep persons
away from fires

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power—

Fire engines.

First.—To organize fire, hook, hose, axe and ladder companies.

Hook compa-
nies.

Second.—To appoint during their pleasure, a competent number of able and respectable inhabitants of the city as firemen, to take the care of and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Appointment of
firemen.

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same; and for incapacity, neglect of duty, or misconduct, to remove them.

Duties of fire-
men.

Fourth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they with the firemen, shall take the care and management of the engines and other apparatus, and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Chief and assist-
ant engineer.

§ 4. The members of the city council and firemen shall, during their terms of services as such, be exempted from serving on juries, in the militia, or working on the streets, or paying any taxes for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this

Exemption of
firemen from
certain duties.

section shall be the certificate of the clerk under the corporate seal for the year in which the exemption is claimed.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Report of receipts and expenditures.

§ 1. The city council shall, at least ten (10) days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from where the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial affairs of the city.

Citizens of Mattoon exempt from road labor outside the city limits.

§ 2. The inhabitants of the city of Mattoon are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lien thereof, without said limits.

Mode and manner of requiring and performing road labor, etc.

§ 3. The supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such manner as the city council may direct, or the supervisor shall deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business of any person so required to labor, as aforesaid, a written or printed notice, or partly written or partly printed notice, in such form as the city council shall prescribe, which notice shall be given at least five (5) days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated for the purpose of laboring upon the streets and alleys. But a similar notice published for ten (10) days in the newspaper publishing the city ordinances, by the supervisor, or posted up in three (3) of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor, as aforesaid, or to pay the tax, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit with costs, as in other cases.

Notice.

Neglect to appear and labor.

Names of streets.

§ 4. The city council shall have power to establish, make and declare the boundaries and names of streets and alleys.

Fines and penalties to go in the city treasury

§ 5. All fines, forfeitures and penalties collected for offences committed within said city, shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city,

by any conviction in the circuit court, shall be paid over in like manner.

§ 6. The city council shall have power to require that all additions hereafter made to said city, or all lands adjoining, or with the same laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

§ 7. The city council shall, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportion as near as may be of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each division to the general fund; street taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

§ 8. The supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine in the same manner as supervisors under the laws of the state.

§ 9. Neither the city council or mayor shall remit any fine or penalty imposed upon any person, for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission. Nor shall any thing in this act be so construed as to oust any court of jurisdiction, to abate and remove nuisances within its jurisdiction, by indictment or otherwise.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting, there shall be present as large a number of aldermen as as was present when the vote was taken.

§ 11. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment, or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published by one insertion in the newspaper publishing the ordinances of the city; and proof of such publication shall be by certificate of publisher appended thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

§ 12. All actions brought to recover any penalty or forfeiture incurred under this act or any ordinance, by-law, or police regulation, made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine, or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process to be a summons. § 13. In all prosecutions for the violation of any ordinance, by-law, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Execution of judgment. § 14. Execution may be issued immediately on rendition of judgment. If the defendant has no goods, or chattels, or real estate, within the county of Coles, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail, or work-house, or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs; all expenses incurred in any execution for the recovery of any penalty, fine or forfeiture, when collected, shall be paid into the city treasury.

Competency of citizens in case where the city is a party. § 15. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Mattoon, in any action or proceeding in which said city may be a party in interest.

Old ordinances to be valid. § 16. All ordinances, regulations and resolutions, now in force in the city of Mattoon, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect; and all said ordinances, regulations and resolutions, and all acts, proceedings, matters and things of any and every name and notice whatsoever done, or provided to be done by the city council of the city of Mattoon, before this shall take effect, are hereby made and declared to be valid.

§ 17. All rights, actions, fines, penalties and forfeitures in suits or otherwise, which have heretofore accrued to the city, at any time, shall be vested in and prosecuted by the corporation hereby created.

Real property vested in the corporation. § 18. All property, real, personal, or mixed, belonging to the city of Mattoon is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

Ordinances, shall be evidence. § 19. All ordinances of the city, when printed or published in book or pamphlet form, and purporting to be published by authority of the city council, shall be received in all courts and places without further proof.

Style of ordinances. § 20. The style of all ordinances shall be: "Be it ordained by the city council of the city of Mattoon."

Additions to the city. § 21. Any tract of land adjoining said city which may be laid off into lots or blocks and duly platted according to law, and any tract of land adjoining the city, with the con-

sent of the owner thereof, shall or may be annexed to said city and form a part thereof.

§ 22. This act shall not invalidate any legal act done by the city council of the city of Mattoon, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

This act shall not invalidate certain rights.

§ 23. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, to detain such persons in custody over night, or the Sabbath, in the watch house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Power to make arrests and to confine prisoners.

§ 24. There shall be a digest of the ordinances of the city which are of a general nature, published within five (5) years after the passage of this act, and a like digest within every period of five years thereafter.

Digest of ordinances.

§ 25. The city council shall have power to make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

Health regulations.

§ 26. This act shall not take effect as the charter of the city of Mattoon unless a majority of the legal voters of said city voting at an election hereinafter provided, shall cast their votes for the adoption of the same, said election to be held on the first Monday in the month of March, A. D. 1867, as other elections are now held in said city, upon notice to be given by the clerk of the present board; said notices to be posted up in five (5) public places in said city the returns of said election held as aforesaid, shall be certified by the officers of the election and placed on file in the office of the city clerk of the city of Mattoon, Illinois, and it shall not be necessary in any proceeding, either at law or in equity, to prove that this charter was adopted by the people; but such proof shall be a matter of defense in showing that this charter was not adopted by a vote of the people by reference to the returns of the elections as in this section provided for.

This charter to depend on the vote of the citizens.

§ 27. This act shall be a public act, and shall take effect from and after its passage.

APPROVED February 6, 1867.

In force Feb'y 9, 1867. AN ACT to amend an act entitled "An act to incorporate the city of Chester, in Randolph county, Illinois.

Disposition of fines, etc.

Proviso.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act all fines, forfeitures and penalties collected for offences committed within the limits of the city of Chester, in Randolph county, shall be paid by the officers collecting the same into the treasury of said city; and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner: *Provided, however,* that the said city shall pay costs and expenses accrued in the prosecution for and collection of said fines and forfeitures.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall be in force from and after its passage.
APPROVED February 9, 1867.

In force February 9, 1867. AN ACT to amend an act entitled "An act to charter the city of Urbana," approved February 14, 1855.

Section 1, and article 5, approved February 14, 1865, amended.

Tax legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 1, of article v, of an act entitled "An act to charter the city of Urbana," approved February 14, 1855, be so amended as to read two per cent., in place of one per cent., so that the city council of said city shall hereafter have authority to levy and collect taxes upon all property, real or personal, within the limits of said city, not exempt by law, not exceeding two per cent. upon the assessed value thereof.

§ 2. *And be it further enacted,* That the tax of two per cent., levied by said city council, by its resolutions of September 3d and October 11, 1866, be and the same is hereby legalized.

§ 3. This act shall be a public act, and be in force from and after its passage.

APPROVED February 9, 1867.

AN ACT to enable the citizens of the city of Morris to raise money to improve public roads or bridges leading into said city. In force April 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Morris, in the county of Grundy, is hereby authorized and empowered to assess and collect a special tax on all the taxable property within the corporate limits of said city, for the purpose of aiding in the repair of any road or roads leading into said city, whether the same are within or without said city limits, or for the construction or repair of bridges thereon: *Provided*, that the aggregate amount of taxes collected in any one year shall not exceed the sum of three thousand dollars. Taxes.

§ 2. That before such tax shall be assessed, the common council of said city of Morris shall submit the question to the qualified electors thereof; and for this purpose they shall appoint a time and place for holding a special election, and shall cause a notice thereof to be published in each of the newspapers published in said city for at least three weeks next preceding such election. Said notice shall specify the time and place of election, its purpose, the particular road and part thereof, and the bridge or bridges to which the tax is to apply, and the amount proposed to be raised for such purpose. The election shall be held and returns thereof made by the same officers and in the same way that other city elections are held. The ballots cast at such election shall be separate from other ballots, and shall contain the words, "For road and bridge tax," or "Against road and bridge tax." And if a majority of all the qualified electors voting at such election shall vote "For road and bridge tax," then the common council of said city shall assess and cause to be collected, as other taxes are collected, a special road and bridge tax, for the amount and purpose designated in said notices; the moneys arising therefrom to be expended for the purposes aforesaid and under the direction of said city council. But if a majority shall vote against such tax, then the same shall not be assessed or collected. Determined by ballot. Election. Form of ballot. Special road and bridge tax.

APPROVED February 9, 1867.

In force Feb.
13, 1867.

AN ACT to incorporate the city of Pana.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Pana, in the county of Christian, embraced within the following limits, to-wit: The southwest quarter of section (15) fifteen, the southeast quarter of section (16) sixteen, the northeast quarter of section (21) twenty-one, the east half ($\frac{1}{2}$) of the northwest quarter of section (21) twenty-one; the northwest quarter of section (22) twenty-two, the west half ($\frac{1}{2}$) of the north-east quarter of section (22) twenty-two; the north half ($\frac{1}{2}$) of the southwest quarter of section (22) twenty-two; the northwest quarter of the southwest quarter of section (22) twenty-two; the north half ($\frac{1}{2}$) of the southeast quarter of section (21) twenty-one; the east half ($\frac{1}{2}$) of the southwest quarter of section (16) sixteen, be and they are hereby constituted a body politic and corporate by the name and style of the

Boundaries.

Name and style.

Corporate powers.

Additions.

“City of Pana;” and by that name shall have perpetual succession, and power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city; and to purchase, receive and hold property beyond the city limits, for burial grounds and for other city purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, and do all other things in relation thereto as natural persons; and may have and use a common seal, which they may change and alter at pleasure.

§ 2. Any tract of land adjoining the city of Pana, laid off into town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of said city; and all parcels of land within the aforesaid limits and boundaries that exceed in extent ten acres shall be exempted from taxation for city revenue until the same shall be subdivided into lots of ten acres or less; and each lot, when so divided, shall be taxed as other city lots.

ARTICLE II.

OF THE CITY COUNCIL.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters therein, for two years.

Aldermen.

§ 3. No person shall be eligible to the office of alderman, unless at the time of his election he shall reside in the ward for which he is elected, and shall have resided at least one year within the limits of the city, and shall be at the time of his election twenty-five years of age, and a citizen of the United States. Qualification of members.

§ 4. If any alderman shall, after his election remove from the ward for which he is elected, his office shall thereby become vacant. Vacancy.

§ 5. At the first meeting of the city council the aldermen shall be divided by lot into two classes in each ward. The seats of those of the first class shall be vacated at the expiration of one year, and of the second class at the expiration of two years from their election, so that one-half of the board shall be elected annually. Division of.

§ 6. The city council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections under this act. Returns of.

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Quorum.
Absentees.

§ 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member. Rule of proceedings.

§ 9. The city council shall keep a journal of its proceedings, and may, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be taken and entered upon the journal. Journal.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the term for which he shall have been elected. Not to hold other offices.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

§ 12. The mayor and each alderman, before entering upon the duties of his office, shall take and subscribe an oath before some proper officer authorized to administer the same, that he will support the constitution of the United States, the constitution of the state of Illinois, and that he will faithfully perform the duties of his office to the best of his ability. Oath of office.

§ 13. Whenever there shall be a tie in the election of an alderman, a new election shall be ordered forthwith. Tie vote.

§ 14. There shall be twelve monthly stated meetings of said council in each year, to be held at such times and places as may be prescribed by ordinance. Stated meetings.

ARTICLE III.

OF THE MAYOR.

- Term of office.** § 1. The chief executive officer shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year and until his successor is elected and qualified.
- Eligibility of.** § 2. No person shall be eligible to the office of mayor who shall not be eligible to the office of alderman.
- Vacation of office.** § 3. If any mayor, during the time for which he shall have been elected, shall remove from the limits of the city, his office shall thereby become vacant.
- Ties.** § 4. Whenever there shall be a tie in the election of a mayor a new election shall be ordered forthwith.
- Office contested.** § 5. Whenever the election of a mayor shall be contested the city council shall determine the same, as may be prescribed by ordinance.
- Vacancy.** § 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by an election.

ARTICLE IV.

OF ELECTIONS.

- Election of officers.** § 1. On the first Tuesday of March next an election shall be held in each ward of said city, for one mayor, one city clerk, one city marshal, one city judge, one city attorney, also two aldermen for each ward of the city; and forever thereafter, on the first Tuesday of March, in each year, there shall be an election held in each ward in the city, for a mayor, a city clerk, marshal, a city attorney, and an alderman from each ward; and on the first Tuesday of March of every fourth year there shall be an election for one city judge for said city.
- Qualified voters** § 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of the city for three months next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in the ward in which they shall respectively reside, and in no other.
- Oath of.** § 3. If the right of any person to vote at any election shall be challenged, either one of the judges of election may administer an oath to such person to make true answers touching his qualifications.
- Returns.** § 4. The judges of elections shall make returns of the election to the city council within forty-eight hours after the canvass of the votes shall be completed.
- Manner of conducting.** § 5. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of

the poll list, canvassing the votes and certifying the returns, shall be the same as nearly as may be as is now or hereafter may be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections, and fix the place of holding the same in each ward, and to appoint the judges thereof. The voting shall be by ballot, and the judges and clerks of election shall take the same oath and shall possess the same power and authority as the judges and clerks of general state elections. After the closing of the polls the ballots shall be counted in the manner required by law, and the returns shall be returned sealed to the city clerk within two days after the election, and thereupon the city council shall read and canvass the same, and declare the result of the election. The person having the highest number of votes shall be declared elected. It shall be the duty of the city clerk to notify all persons elected to office, or appointed to the same, of either their election or appointment, and unless such person shall respectively qualify within ten days thereafter, the office shall become vacant.

Proviso.

Notice of election.

§ 6. No person entitled to vote at any election held under this act shall be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election under this act shall be punishable under the laws of this state.

Arrests on election day.

§ 7. Whenever there shall be more than one vacancy in the office of alderman of any ward to be filled at any general or special election in such ward, the candidate having the highest number of votes for such office shall be declared elected for the longest term, and the candidate having the next highest number of votes, for the shortest term; and in case of a tie between the two highest, the terms of service to which the successful candidates shall be respectively entitled shall be determined by the casting of lots in the presence of the council. If from any cause there shall not be a quorum of aldermen in office, the clerk shall appoint the time and place of holding a special election to supply all vacancies in the board, and to appoint judges thereof if necessary.

Long and short term.

Tie vote.

§ 8. No person shall be eligible to any office, either by election or appointment, under this act, who is a defaulter to said city; and if any person holding any office or place shall become a defaulter while in office, the office or place shall thereupon become vacant.

Eligibility of officers.

§ 9. No election shall be held in any grocery, grog-shop, or any other place where intoxicating liquors are sold or kept for sale by retail.

Places of Election.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

Taxes.	§ 1. The city council shall have power and authority to levy and collect a tax not exceeding one per cent. upon all property, real, personal and mixed, within the limits of the city, for all revenue purposes. All taxes for revenue shall be levied upon, and according to the assessed value of the property included in said corporation, as assessed by the township assessor of the town of Pana for each year respectively.
Rate of taxation.	§ 2. The city council shall have power, and it shall be their duty before the first day of September of each year, to determine by ordinance the rate per cent. upon the assessed value of the property assessed by said town assessor within the limits of said corporation, for which a tax shall be levied for the current year. A copy of said ordinance, together with an alphabetical list of the resident tax payers of the city, shall be filed with the county clerk of the county of Christian, whose duty it shall be to extend such tax upon the books for the collector of the city of Pana, in a separate column to be provided for that purpose, in the same manner that he is now required to carry out and extend the district school tax against the name of each tax payer, whether resident or non-resident, owning property in said city. And said city tax shall be collected, in every respect, and the collection thereof be enforced, in like manner and with like remedies, as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Every court in Christian county shall have the same power to render judgment against lands and lots within said city for taxes due said city for city purposes as for the time being it may have to render judgment for the county and state taxes; and such judgment shall have the like force and effect as if rendered for delinquent county or state taxes. For his services in carrying out, adding and extending said tax in the book of the collector, said county clerk shall receive one half cent on each person's name assessed for personal property, to be paid out of said city tax when collected.
Lists of.	
Extension of.	
Manner of collecting.	
Judgments.	
Clerk's compensation.	
Officers appointed.	§ 3. The city council shall have power to appoint a treasurer, a surveyor, a street inspector, and all such other officers as said city council may deem necessary to perform the duties required to be performed under this act and under this charter and the ordinances of the city, and to prescribe by ordinance their powers and duties; all of which said officers shall hold their office for one year and until their successors are appointed: <i>Provided</i> , that by a vote of two-thirds of the city council, the officers mentioned
Term of office.	
Proviso:	

in this section may be removed from office at any time before his term of office shall have expired.

§ 4. The city council shall have power to require of all Bonds of. or any officers appointed in pursuance of this charter, such bonds to the city of Pana, with penalty and security, to be approved by the mayor and a majority of the aldermen, for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid, before entering upon the duties of their respective offices, to take an oath for the faithful performance of their duties. Oath of office.

§ 5. The city council shall have power to appropriate Appropriations. money and provide for the payment of the debt and expenses of the city.

§ 6. To establish hospitals, and make regulations for Hospitals. the government of the same.

§ 7. To make regulations to insure the general health Nuisances. of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 8. To make regulations to prevent the introduction Diseases. of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same within one mile of the city.

§ 9. To provide the city with water, to erect, sink and Water privi- build cisterns, wells and reservoirs; to erect hydrants and leges. pumps in the streets for the convenience of the inhabitants and for the extinguishment of fires.

§ 10. To open, alter, widen, extend, establish, grade, Street improve- pave, or otherwise improve and keep in repair, streets, ment. avenues, lanes, alleys and other public places.

§ 11. For the purpose of repairing the streets, alleys, Labor tax. sidewalks, crosswalks, drains and sewers, they shall have power to levy annually a road labor tax of not more than three days nor less than one day against every able-bodied male inhabitant of said city over the age of twenty-one years and under fifty years of age, to be collected and expended in such manner as they shall determine and direct: *Provided, always*, that the person assessed shall have the right, if he shall so elect, to work out his own tax on the streets, avenues and alleys in the city, under the direction of the street commissioner; all to be expended in the ward in which the inhabitant shall reside. Proviso.

§ 12. To establish and keep in repair bridges. Bridges.

§ 13. To divide the city into wards, alter the boundaries Wards. hereof, and create additional wards, as occasion may require.

§ 14. To provide for lighting the streets and erecting Lights. lamp posts.

§ 15. To establish, regulate and support night watches. Night watches.

§ 16. To provide for the erection of all needful build- Buildings. ings for the city.

- Public grounds. § 17. To provide for the inclosing, improving and regulating all public grounds belonging to the city.
- Bridges, culverts, etc. § 18. To establish, erect, construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crosswalks, and regulate the construction and use of the same and to abate any obstruction or encroachments thereof; to have the sole control and power over the streets, alleys and highways of the city, and to abate and remove any encroachment or obstruction thereon: to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same, or wall them up or cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.
- Cemeteries. § 19. To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.
- Fire department. § 20. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Markets. § 21. To erect market houses; to establish markets and market places, and provide for the government and regulation thereof, and to regulate, license and prohibit butchers, and revoke their licenses for malconduct in the course of trade.
- Flues and chimneys. § 22. To regulate the making of flues and chimneys, and the securing of stove pipes in the city.
- Combustibles. § 23. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- Walls and fences. § 24. To regulate and order parapet walls and partition fences.
- Weights and measures. § 25. To enforce the legal standard of weights and measures to be used in the city in all cases, and to enforce the collection of fines for non-compliance with the ordinances of said city in all cases whatsoever.
- Inspectors and measurers. § 26. To regulate and provide for the inspecting and measuring of all lumber, shingles, timber, posts, staves, laths, headings, and all building materials, and for the measurement of all kinds of mechanical work, and to appoint one or more inspectors or measurers; and to regulate the size and quality of brick to be used or sold in the city.
- Forage and fuel. § 27. To provide for the inspection and weighing of hay, lime and stone coal, and to regulate the measurement of fire wood and charcoal to be used in the city, and the place and manner of selling the same.
- Provisions. § 28. To regulate the inspection of beef, pork, flour, meal, salt and other provisions, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors and prescribe their

duties and regulate their fees : *Provided*, that nothing herein Proviso. shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

§ 29. To prevent, restrain and punish forestalling and regrating. Forestalling, etc

§ 30. To prevent and restrain loud, unbecoming or indecent language or other disorderly conduct in said city. Disorderly conduct.

§ 31. To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person. Riding and driving.

§ 32. To prohibit the abuse of animals, and punish the same; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets or other public places, or uninclosed grounds in the city. Abuse of animals.

§ 33. To restrain, regulate and prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for costs of the proceedings and the penalties incurred, and to impose penalties on the owners thereof for violation of any ordinance in relation thereto. Animals at large

§ 34. To regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large, contrary to ordinance, and to impose penalties on the owners or keepers thereof. Dogs.

§ 35. To restrain and punish vagrants, mendicants, street beggars and prostitutes. Vagrants.

§ 36. To abate all nuisances which may injure or affect the public health or comfort. Nuisances.

§ 37. To regulate the fees of jurors, witnesses and others, for services under this act. Fees of jurors, etc.

§ 38. To restrain, prohibit and suppress tippling houses, houses of ill-fame, bawdy houses, and all disorderly houses, of whatever nature or character. Disorderly houses.

§ 39. To regulate and prevent the carrying on of manufactories, and works dangerous in promoting fires or causing the same.

§ 40. To regulate and prohibit the use of fire-arms and fire-works.

§ 41. To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys of the city, and the location of depot grounds within the limits of the city, on ground not owned by railroad companies, to require all railroad companies to construct and keep in repair suitable crossings at the intersection of streets, alleys, ditches, sewers and culverts; to direct and regulate the speed of locomotives, engines or cars, connected or detached, within the boundaries of the Railway tracks, etc. Crossings, etc.

city; and to prohibit railroad companies from doing storage or warehouse business.

Drains, sinks, privies. § 42. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their construction, and cause the expenses thereof to be assessed and collected as other taxes or assessments.

Duties of physicians in certain cases. § 43. To require every person practicing physic in the city, who shall have a patient laboring under any malignant, infectious or pestilential disease, to forthwith make report thereof, in writing, to the city clerk, and, for neglect to do so, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than twenty, or more than one hundred dollars, to be sued for and recovered, with costs, in action of debt, in any court having cognizance thereof, for the use or in the name of the city.

License and tax brokers, merchants et al. § 44. To license, tax and regulate inn keepers, agents for foreign insurance companies, brokers, merchants, grocers, ordinaries, pawn-brokers, money changers, peddlers, hawkers, and retailers.

Exhibitions, etc. § 45. To license, tax and regulate auctioneers, theatrical or other exhibitions, shows and amusements, and to impose duties upon the sale of goods sold at auction.

Porters, hackmen, etc. § 46. To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to restrain and regulate runners for cars, stages and public houses.

Billiards, ten pins, etc. § 47. To license, tax and regulate the keeping of billiard tables, ten pin alleys, ball alleys and shooting galleries, and restrain gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Malt etc. liquors, etc. § 48. To license, regulate and tax the selling of intoxicating and malt liquors within the city for one year, for which license the said council shall fix the sum to be paid—the same to be not less than three hundred dollars for spirituous and malt liquors, not less than (\$100) one hundred dollars for malt liquors: *Provided*, that the city council may grant permits for the sale of liquors by druggists for medical, mechanical, chemical and sacramental purposes only, under such restrictions as may be provided by ordinance.

Special tax. § 49. To levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving and grading the sidewalks and lighting said street, avenue, lane or alley; but the owners of property aforesaid

may make such grade and pavement, under the direction of such person or persons, as the city council may appoint.

§ 50. To authorize the proper officer, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees and charges to be paid: *Provided*, no license shall be granted for more than one year, and not less than five dollars shall be charged for any license under this act.

Manner of issuing licenses.

Proviso.

§ 51. To erect and establish a work house or house of correction, to make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idlers, and disorderly persons, who may be committed thereto by any proper officer; and any person who shall fail or neglect to pay any fine, forfeiture or penalty or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, or in violation of any provision of this charter, may, instead of being committed to the jail of Christian county, be kept therein, subject to labor and confinement.

§ 52. To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, vice and idleness.

§ 53. To pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or this state, for the good government of the city and the trade and commerce thereof, that may be necessary and proper to carry into effect the powers vested by this act in the corporation the city government or any department or officers thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof, by fines, penalties, forfeitures or imprisonment in the county jail, city prison or workhouse, or both in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars nor the imprisonment six months, for any offence; and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine, forfeiture or penalty is imposed, shall stand committed until the payment of the same and costs, and, in default thereof, may be imprisoned in the county jail, city prison or workhouse, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Ordinances.

Enforcement of

Fines, penalties, etc.

§ 54. All owners or occupants of lots or lands in front of, adjoining or upon whose premises the city council shall

Duties of owners of lands, lots, etc.

order and direct sidewalks or drains to be constructed, graded or repaired, relaid or cleansed, or shall declare any such lots or land to be nuisances, and order the same to be filled up, graded and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such drain, or grade, fill up, drain or otherwise improve such lots or land, at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and, if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense thereof, by an order, to be entered in their proceedings, upon the lots and lands respectively, and collect the same, by warrant and sale of the premises, as general tax assessments. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses, as for money paid and laid out to his use and at his request.

Expenses removal
nuisances, for of

§ 55. In all cases where expenses may be incurred in the removal of any nuisance, the council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be, likewise, collected of the owner or occupant of such premises in a suit for money expended for his or their use; and in case the same should not be chargeable to any real estate, suit may, in like manner, be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Census.

§ 56. The city council shall have power to provide for the taking enumerations of the city.

Election of officers.

§ 57. To regulate the election of city officers and fix the compensation, by fees, commissions or otherwise, of all city officers; regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance made in pursuance hereof.

Police.

§ 58. To organize and regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for the recovery and appropriations of such fines and forfeitures and the enforcement of such penalties; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city and disposed of by said city council, under the ordinances of said city, for the use and benefit of the inhabitants thereof.

Style of ordinances,

§ 59. The style of ordinances shall be "Be it ordained by the City Council of the City of Pana."

Publication of.

§ 60. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper in the city, and shall not be in

force until five days after they shall have been published as aforesaid.

§ 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed in book or pamphlet form, and purporting to be published by authority of the corporation, shall be received in evidence in all courts and places, without further proof. Proof of.

§ 62. The city council shall have power to require of all railroad companies, that own or shall own any railroad within the limits of the city, to construct and erect good and sufficient crossings at such times and places on said road as may be directed by said council. Railroad crossings.

ARTICLE VI.

JUDICIARY.

§ 1. There shall be established a court of civil and criminal jurisdiction, to be styled the "City Court of Pana," and shall have a seal, which may be altered by the city council. City court.

§ 2. The judge shall be elected at the same time and in the same manner as the mayor; he shall hold his office for four years and until his successor is elected and qualified. Judge of.

§ 3. No person shall be eligible to the office of city judge unless he is, at the time of election, a citizen of the United States, a freeholder of the city, twenty-five years of age, and has resided in the city at least six months next preceding the election. Eligibility to office.

§ 4. The city judge is hereby constituted a justice of the peace of Christian county. He shall be commissioned by the governor, and qualify as other justices of the peace, but enter into an office bond of two thousand dollars. He shall have and exercise additional statute criminal jurisdiction to-wit: In all cases arising under the ordinances of the city, where the demand, damage and fine do not exceed five hundred dollars, and where the imprisonment extends only to the county or city jail; he shall have exclusive jurisdiction in all cases arising under this act or any by-law or ordinance in pursuance thereof; he shall adopt a series of rules, regulating the practice in said court, and shall record the same in his docket; he may require written pleadings in said court. Powers and duties of.

§ 5. The said judge shall hold a session of his court on every Monday, and shall keep the same open every day, Sundays excepted, until all the business before him is disposed of; he shall have power to fine and imprison for contempt of his court when in session; he shall be entitled to receive the same fees as circuit clerks for similar services now by law are entitled to; he shall keep an execution docket, in which he shall record the issuing and return of all executions, and also a fee book, in which he shall sep- Court sessions.
Fees.
Docket, etc.

arately charge the fees in each case, and shall issue fee bills and cost bills according to law governing circuit clerks in this state.

Judgments. § 6. Judgments rendered by the city judge shall have the same effect as judgments rendered by justices of the peace.

Change venue. § 7. Change of venue may be taken from before the city judge, in all cases prescribed by law governing the changes of venue in circuit courts of this state; and, when a change of venue is sought, the person making application shall proceed in like manner as from said courts; and such changes shall be taken to no other than the circuit court of Christian county: *Provided*, said case did not arise under this charter or any city ordinance.

Duty of judge in case of change of venue. § 8. In all criminal cases when changes of venue shall be granted, it shall be the duty of the city judge to take recognizance, with sufficient penalty and security, of the said defendant, for his appearance at the circuit court. The said recognizance shall be payable to the state, for the use of said city, if arising within the city limits, and to said county, if given in a case arising out of the city limits, and recoverable, in case of forfeiture in any court of Christian county having jurisdiction; and, on failure to give such recognizance, the marshal shall commit said defendant to the county or city jail, to be dealt with according to law.

Appeals. § 9. Appeals may be taken from the decision of said judge to the circuit court of Christian county, in the same manner as appeals are taken from justices of the peace.

Transcripts of docket. § 10. Transcripts of the docket of said judge may be filed with and recorded by the clerk of Christian county, in the same manner as from other justices of the peace; and said transcripts shall have the same effect against liens upon real estate that transcripts of other justices of the peace of the said county have or may have.

Vacancy. § 11. In the event that the city judge shall be removed from office or the said office otherwise become vacant, or should he be absent from the city or sick or unable to attend to the duties of his office, the mayor shall and is hereby authorized to appoint one of the justices of the peace in said city to preside in the place and stead of the city judge in all cases concerning the violations of city ordinances or the provisions of this act.

Salary. § 12. The city judge shall receive in addition to his fees such salary from the city as may be prescribed by the city council.

Other officers. § 13. The city marshal and other authorized officers shall be the executive officers of the city court; but before entering upon the duties of their respective offices, they shall each qualify and be commissioned as county sheriffs are, and shall enter into official bonds in the sum of two thousand dollars each.

§ 14. They shall be entitled to the same fees that sheriffs are allowed for similar services, and may, in addition thereto, receive a salary from the city as the city council may direct, and they shall have the same power and authority to execute all process issuing from said court as sheriffs have to execute similar process issuing from the circuit court.

Fees of.

Powers of.

ARTICLE VII.

EXECUTIVE POWERS.

§ 1. The mayor shall preside at all meetings of the city council, and in case of a tie and no other, shall have a casting vote. In case of the non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own members chairman, who shall preside at the meeting, but who shall not thereby lose his right to vote upon any question before the board.

Presiding officer.

§ 2. The mayor, or any three aldermen, may call special meetings of the city council.

Special meetings.

§ 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of the city; shall cause negligence or violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the board of aldermen such information and recommend such measures as in his opinion may tend to the improvement of the finances, the health, security, comfort and ornament of the city.

Duties of mayor

§ 4. He is hereby authorized to call on every male inhabitant of said city over the age of eighteen years to aid in enforcing the laws and ordinances for the government of the city, and, in case of a riot, to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fire, securing the peace and safety of the city, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five nor more than twenty-five dollars.

Aid in enforcing laws.

§ 5. He shall have power, whenever he [may] deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

Exhibit of books, etc.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Other acts.

§ 7. He shall have such jurisdiction as may be vested in him by an ordinance of the city in and over all places within one mile of the limits of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Jurisdiction

Indictment of
mayor.

§ 8. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in discharge of the duties of his office, he shall be liable to indictment in the circuit court of Christian county, and on conviction shall be fined in a sum not exceeding five hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from his office.

Salary of mayor

§ 9. The mayor shall receive such compensation for his services as shall be provided by ordinance.

Approval of
ordinances.

§ 10. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk; and if the mayor approves thereof he shall sign the same; and such as he shall not approve he shall return to the city council, at the next regular meeting thereof; *Provided*, such meeting shall be two days or more after the first passage of the same; otherwise, to the next subsequent meeting of the city council, with his objections thereto: *Provided, further*, that if the mayor shall not return the same, as above provided, he shall be deemed to have approved the same. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the city council shall agree, by ayes and nays, which shall be entered on record, to pass the same, it shall go into effect, notwithstanding the mayor may neglect or refuse to approve the same.

Proviso.

Proviso. 2

Vacancy.

§ 11. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over its meetings, whose official designation shall be "acting mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office, or the vacancy shall be filled by a new election.

ARTICLE VIII.

OF POWERS AND DUTIES OF OTHER OFFICERS.

Duties of city
clerk.

§ 1. The clerk shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the city council and keep a full record of their proceedings in a journal; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, or other records of his office, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced; he shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account

of all receipts and all expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.

§ 2. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon the subjects and questions submitted to him by the mayor, the city council, or any of its committees.

Duties of city attorney.

§ 3. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of any order from the city council, by warrants, signed by the mayor or presiding officer of the city council, and countersigned by the clerk; such warrants shall be numbered to correspond with the order granting the same, and shall specify for what purpose the amounts named therein shall be paid. The treasurer shall exhibit to the city council at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures for all purposes after the date of the last annual report, and also the state of treasury: which accounts shall be filed in the office of the clerk.

Duties of city treasurer.

§ 4. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the observance and enforcement of the ordinances and the laws; he shall possess the power and authority of a sheriff at common law, under the statutes of this state, and receive like fees; he shall, before entering upon the duties of his office, execute a bond, such as the mayor and a majority of the aldermen shall approve, and file the same with the city clerk; he shall have power to appoint one or more deputies, who shall take the oath of office prescribed herein, and who shall possess all the power of and be entitled to like fees as the city marshal, subject, nevertheless, to removal at pleasure by the marshal, or the city council by a majority vote thereof: *Provided*, that the city marshal shall be responsible for all acts of his deputy or deputies done under color of office.

Powers and duties of marshal.

Proviso.

§ 5. The city surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits, and shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe; he shall possess the same power, in making surveys and plats within the city, as is given by law to county surveyors; and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of a county surveyor; he shall, when required, superintend the construction of all public works

Duties of surveyor.

ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same ; he shall perform all surveying and engineering ordered by the city council, shall, under their direction establish the grades and boundaries of streets and alleys, but such plans, estimates, contracts, grades and boundaries shall be reported to and approved by the city council before they shall be of validity.

Duties of street commissioners

§ 6. It shall be the duty of the street commissioner, under the direction of the city council, to superintend the opening, grading or improving of streets and alleys, the construction and repairing of bridges, culverts, sewers, crosswalks and sidewalks, and of all public local improvements generally, in their respective districts, and to carry into effect all orders of the city council in relation thereto. They shall keep accurate accounts of all receipts and expenditures by them made and received, and render monthly accounts thereof to the city council.

Other duties of officers.

§ 7. The city council shall have power to impose upon all officers other duties than those prescribed, and prescribe the duties and powers of all officers appointed or elected to any office under this act, whose duties are not herein specified or specially mentioned, and fix their compensation.

Penalty for refusal to surrender officer's property, etc.

§ 8. If any person, having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to the city, or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his neglect and refusal so to deliver up the same ; and such successor shall and may recover possession of the property, books, papers and effects of his office, and appertaining thereto, in the manner prescribed by the laws of this state.

Commission of officers.

§ 9. All officers elected or appointed under this act, (except aldermen and mayor), shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council, and by the city clerk.

Conservators of the peace.

§ 10. The mayor, aldermen, marshal and his deputies, and watchmen, are conservators of the peace, and all officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or be found violating any ordinance of the city, commit for examination, and if necessary, detain such persons in custody over night or the Sabbath in the watch house, city prison, or any safe place, or until they can be brought before the city judge ; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

ARTICLE IX.

PROCEEDINGS IN SPECIAL CASES.

The city council shall have power to acquire, open and to lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same ; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning lands and lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken, and the same when opened and made shall be public highways and public squares.

Public grounds,
squares, etc.

When it shall be necessary to take private property for opening, altering or laying out any street, lane, avenue, alley, public square or public grounds, the corporation shall make a just compensation thereof to the person whose property is so taken, and if the amount of such compensation can not be agreed upon, the mayor shall cause the same to be assessed by a jury of six disinterested freeholders of the city. When the owners of all the property on a street, lane or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering of such street, lane, avenue or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners.

Taking private
property for
public purposes.

Petitions.

All jurors empanelled to inquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall be first sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror. In assessing the amount of compensation for property taken for opening or widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

Benefits, damages, etc.

Inquests.

The mayor shall have power, for good causes shown within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

New inquests.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

Punishment of offenders. § 1. The city council shall have power to prescribe (provide) for the punishment of offenders by imprisonment in the county jail or city prison, in all cases when such offenders might lawfully be imprisoned under the constitution of this state.

Annual financial statement. § 2. The city council shall cause to be published annually, within one month of and previous to the election, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended by the corporation. Said statement to be published in some newspaper printed in the city at least one week previous to the election.

Force of ordinances. § 3. All ordinances and resolutions passed by the president and board of trustees of the town of Pana shall remain in full force until the same shall have been repealed by the city council hereby created.

Wards. § 4. The present board of trustees of the town of Pana shall have power, and it is hereby made their duty, before the first of March next, to divide the city into wards, by lines, describing particularly the boundaries of each ward and the number thereof, the wards to be as nearly equal in population as practicable.

Meeting to determine election of officers. § 5. The president and board of trustees of the town of Pana shall hold a meeting on the eighth day of March next for the purpose of determining who is elected to each office under this act, and shall cause the officers elected to be notified of their election as herein described.

Vested property, etc. § 6. All actions, fines, penalties and forfeitures which have accrued or may accrue to the president and board of trustees of the town of Pana, for the use of the inhabitants thereof, shall be and they are hereby declared vested in the corporation hereby created, and no suit commenced by the president and board of trustees of said town shall abate by reason of the passage of this act, but may be prosecuted to effect the same as if this act had never been passed, and in the name in which the same was originally commenced.

Appeals § 7. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Christian county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are now taken from and granted by justices of the peace to the circuit court under the laws of this state.

Evidence of act. § 8. This act is hereby declared to be a public [act], and may be read in evidence in all courts of law and equity within this state without proof.

§ 9. The certificate of the city clerk, under the seal of the city, shall be conclusive proof and evidence of all ordinances and by-laws, and of the legal publication thereof, to which it may be attached, in all courts and places. Proof of.

§ 10. All actions brought to recover any penalty or forfeiture under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name of the city, and it shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the date of the passage of the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Suits at law.

§ 11. In prosecution for any violation of any ordinance, by-law, or any other regulation, the first process shall be by summons, unless oath or affirmation be made for warrant as herein provided. Summons.

§ 12. A warrant shall issue in all cases in favor of the city of Pana for a violation of any ordinance, by-law or other regulation when any person shall make oath or affirmation that such a violation has been committed. Warrants.

§ 13. The city of Pana, hereby incorporated, shall assume all the liabilities of the corporate town of Pana, and the city council shall provide for the payment of the same, and all warrants or orders drawn by the president and board of trustees of the town of Pana and all warrants drawn by order of the city council shall be received in payment of all taxes levied by the city council of Pana. Corporate liabilities.

§ 14. All property, both real and personal, within the limits of said corporation, shall be exempt from county taxes: *Provided*, the said city shall maintain and support its own poor so as not to make the county chargeable with the same. Exemption from county taxes.
Proviso.

§ 15. All fines, forfeitures and penalties collected for offences committed within the city, and all money received for licenses, shall be paid into the city treasury by the officers collecting the same; and all fines and forfeitures collected of any citizen or person in or of said city for any conviction in said city or the circuit court shall be paid over in like manner. Disposition of fines, penalties etc.

§ 16. All officers elected or appointed under this act shall, before entering upon the duties of their respective offices, make and subscribe, and file with the city clerk, the following oath, to-wit: "I do solemnly swear (or affirm) that I will support the constitution of the United States and of this state, and will well and truly perform the duties of my office as ——— to the best of my ability." Oath of office.

§ 17. All laws incorporating the town of Pana or amendatory thereof, and all laws in conflict with this act are hereby repealed. Conflicting laws repealed.

§ 18. This act to take effect and be in force from and after its passage.

APPROVED February 13, 1867.

In force Feb. 15,
1867.

AN ACT to charter the city of Effingham.

ARTICLE I.

BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants in all that territory hereinafter described, in the county of Effingham and state of Illinois, be and they are hereby constituted in a body politic and corporate, by the name and style of "The City of Effingham;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Style and corporate powers.

Seal.

Boundaries.

§ 2. The said city shall include within its limits all within the following boundaries, to-wit: Commencing at the south-west corner of the south-east quarter of the north-west quarter of section twenty-nine (29), thence north to the north-west corner of the north-east quarter of the south-west quarter of section twenty (20), thence east to the section line between section twenty-one (21) and twenty-two (22), thence south to the south-east corner of the north-east quarter of section twenty-eight (28), thence west to the place of beginning, all in township eight (8), north, range six (6), east of the third (3) principal meridian.

Additions.

§ 3. Whenever any tract of land adjoining the City of Effingham, shall be laid off into town lots and recorded according to law, the same shall be annexed to, and form a part of the City of Effingham.

Corporate powers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity, in all actions whatsoever; to purchase, receive and hold property, real and personal in said city, for burial grounds for the use of the inhabitants of said city; and to sell, lease, convey and improve property, real and personal, for the benefit of said city, and to do all other things in relation thereto as natural persons.

Wards.

§ 5. The city of Effingham shall be divided into two wards, the boundaries of which shall be fixed by the city council, and may be by them, from time to time, changed

as they shall see fit. The city council may create additional wards as occasion may require, and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other elective officers of the corporation shall be as follows: A city clerk, a city treasurer, and a city police justice, who in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance.

City council.

City officers.

§ 2. There shall be appointed by the city council on the second Monday of April, of each year, or as soon thereafter as may be, a city marshal, a city attorney, a city assessor and collector, a city surveyor and engineer, and such watchmen, firemen, policemen, and other officers as may be necessary, said officers, so appointed, to continue in office during the pleasure of the city council, and to perform such duties as may be prescribed by this act and by ordinance. All vacancies in any of said offices may be filled at any regular meeting of the council.

Appointive city officers.

Vacancies.

§ 3. All officers elected under this act, except the police justice, shall hold their offices for one year, and until the election and qualification of their successors, respectively.

Term of office.

§ 4. Each ward of said city shall be represented in the city council by two aldermen, who shall be *bona fide* residents thereof.

§ 5. If from any cause there shall not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, from any cause, the officers herein named shall not be appointed on the second Monday of April in each year, the city council may adjourn, from time to time, until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the city council may forthwith order a new election.

No quorum.

Removal from the ward.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the city council shall order such special election within ten days after the happening of such vacancy. Any vacancies occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the time has expired.

Vacancies.

- Who may vote § 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act.
- Tie vote. § 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

ELECTIONS.

- General election § 1. A general election of all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held in each of the wards of the city on the first Monday in April in each year, at such places as the city council may appoint; and of which ten days previous notice shall be given by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.
- Notice of election.
- Manner of conducting elections. § 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of general elections.
- Judges of election.
- Counting the votes. After the closing of the polls, the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk within three days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the election.
- Canvassing the election.
- Shall qualify within twenty days. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.
- Who entitled to vote. § 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of said city at least six months next preceding said election. He shall have been more-over an actual resident of the ward in which he proposes to vote for ten days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am
- Oath, and form of.

a citizen of the United States, and have been a resident of this State one year, and a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, and have not voted at this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge. Proviso.

§ 4. No election shall be held in any grog-shop or other place where intoxicating liquors are vended by retail. Grog-shops.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested in civil process within said city upon the day on which said election is held, and all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the State. No civil arrest on election day.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath of office.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm—"That he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within the city, and that all other officers of the city discharge their respective duties. He shall cause negligence and positive violation of duty to be prosecuted and punished. He shall from time to time give the city council such information, and recommend such measures, as he may deem advantageous to the city. Mayor's oath.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county over the age of eighteen years, to aid in the enforcing of the laws of the state or the ordinances of the city; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars. Duties of mayor.

§ 4. He shall have power whenever he shall deem it necessary to require of any of the officers of the city an exhibit of his books and papers. And he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof. Posse.

§ 5. He shall be liable to indictment in the circuit court of Effingham county for palpable omission of duty, willful May require exhibit of books.

Indictment of the mayor.

- oppression, malconduct or partiality in the discharge of the duties of his office; and upon conviction shall be subject to a fine not exceeding one hundred dollars, and the court shall have power, upon recommendation of the jury, to add as a part of the judgment that he be removed from office.
- Removal from office.** § 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve them he shall sign the same, and such as he shall not approve he shall return to the city council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the city council shall agree by the ayes and noes, which shall be entered upon the journals, to pass the same, it shall go into effect, and if the mayor shall neglect to approve or object to any such proceedings for a longer term than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect. He shall, *ex-officio*, have power to administer any oath required to be taken by this act or any law of the state, to take depositions and acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.
- Ayes and noes.** § 7. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over its meetings, whose official designation shall be "acting mayor," and the alderman so appointed shall be vested with all powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy shall be filled by a new election.
- Powers of mayor or.** § 8. The members of the city council shall be, *ex-officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes during their term of office.
- Vacancy.** § 9. The clerk shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the city council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office. And transcripts of the journals of the proceedings of the city council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures in such manner as the council shall direct. And he shall have
- Acting mayor.**
- Fire wardens.**
- Clerk, duties of.**

power to administer any oath required to be taken by this act.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or city council or its committees. Attorney.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All money shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the city clerk. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the clerk. Treasurer.

Annual report.

§ 12. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license money, fines, or otherwise. He shall possess the powers and authority of a constable at common law, and under the statutes of this state, and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof. Marshal, duties of.

§ 13. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits: and he shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe; he shall possess, the same powers in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor; he shall, when required, superintend the construction of all public works ordered by the city, make out plans and estimates thereof, and contract for the erection of the same; he shall perform all surveying and engineering ordered by the city council, under their direction; establish the grades and boundaries of streets and alleys, but such plans, estimates and contracts, grades and boundaries shall Surveyor—his fees and duties

be first reported to the city council and approved by them, or they shall not be valid.

Assessor and collector.	§ 14. The assessor and collector shall perform all duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the city council. In the performance of his duties, he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed or ordained by the city council.
Powers and abilities.	
Revise and sign assessments.	
Collect taxes and assessments.	

ARTICLE V.

POWERS OF THE CITY COUNCIL AND DUTIES.

City council.	§ 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.
Mayor shall preside	
Casting vote.	
Quorum.	

Compensation.	§ 2. The members of the city council shall receive such compensation for their services as the city council may direct: <i>Provided</i> , that no member of the city council shall receive more than two dollars for each regular monthly meeting of the city council, and not more than one dollar for every called or special meeting of the same; and if any member shall be absent from any meeting of the city council, he shall not receive pay for that meeting. No member of the city council shall be appointed to, or be competent to, hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in a contract the expense or consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily.
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City officers.	§ 3. The city clerk, marshal, treasurer, assessor and collector, surveyor and supervisor, and city attorney, shall receive such pay for their services as the city council may establish by ordinance.
Compensation.	

Meetings.	§ 4. The city council shall hold twelve stated meetings (one in each month) during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the city council, served personally or left at their usual places of abode. That said city of Effingham shall not
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at any time issue city bonds for a greater amount than ten thousand dollars, without submitting the question of issuing such bonds to a vote of the legal voters of said city; which vote or election shall be held as elections are now held under this [charter] for the election of such officers of the corporation, as by this act are required to be elected by a vote of the people. If there is a majority in favor of issuing bonds, then it shall be lawful for the corporation, acting through the proper officer, to issue bonds. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.

City bonds.

Rule of proceedings.

§ 5. The city council shall have the control of the finances and of all the property, real, personal and mixed belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance—

Powers and duties of city council.

First.—To borrow money on the credit of the city and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding the interest upon the greater of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; and no bonds shall be issued or negotiated at more than ten per cent. below the par value; and when so issued and negotiated the interest on the same shall not exceed eight per cent. per annum. The appropriations of the city council for payment of the interest, for improvements, and for city expenses, during any one fiscal year shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt or the creation of a sinking fund for that purpose, or to the carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

Appropriations.

City debt—sinking fund.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city.

Third.—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within two miles thereof.

Contagious diseases.

Fourth.—To make regulations to secure the health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof, by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Abate nuisances

Water.

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent unnecessary waste of water.

Streets, alleys and highways.

Sixth.—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and prevent the incumbering thereof, in any manner, and protect the same from any encroachments or injury.

Bridges, culverts and sewers.

Seventh.—To establish, erect, construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crossways and regulate the construction and use of the same and abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses, and natural drains, to sewer the same or wall them up, and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof, by private persons.

Lighting.

Eighth.—To provide for lighting the streets and erecting lamp posts thereon, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks.

Gas pipes and fixtures.

Market houses.

Ninth.—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

Public grounds and cemeteries.

Tenth.—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds.

Hospitals.

Eleventh.—To erect and establish one or more hospitals or dispensaries and control and regulate the same.

Obstructions.

Twelfth.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, fire wood, posts, awnings, signs, or any other substances or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them.

Licenses.

Thirteenth.—To license, tax and regulate merchants, inn-keepers, brokers, money brokers, insurance brokers,

auctioneers and insurance agents, and to impose duties on the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to regulate and restrain runners for stages, cars and public houses.

Fifteenth.—To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops, saloons and groceries, bawdy houses, gambling and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license for tippling shops, saloons and groceries shall be granted for more than one year.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of parent, guardian, master or mistress.

Eighteenth.—To regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Nineteenth.—To regulate, license and prohibit butchers, and to revoke their licenses for mal-conduct in the course of trade.

Twentieth.—To establish standard weights and measures and to regulate the weights and measures to be used within the city, in cases not otherwise provided by law; to require all traders or dealers in merchandise or property of any description which is sold by measure or weight to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Twenty-first.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Hackmen, draymen, etc.

Runners.

Billiard tables, etc.

Fees and charges of.

Restrain the sale of intoxicating liquors.

Inspection of meats, poultry, etc.

Supervision of butchers.

Weights and measures.

Police.

Riots, etc.

Twenty-second.—To prevent and suppress any riot, rout, affray, noise, disturbance, disorderly assembly in any public or private place within the city.

Horse racing.

Twenty-third.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, when standing or remaining in the streets.

Vagrants, etc.

Twenty-fourth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Running at large of cattle, horses, etc.

Twenty-fifth.—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, and goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of proceedings and the penalty incurred, and to impose penalties on the owners thereof for the violation of any ordinances in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Fire-arms.

Twenty-sixth.—To prohibit and restrain the firing of guns, pistols, fire-crackers and all other fire-arms; to prohibit and restrain the ringing of bells, blowing of horns or bugles and all other noises, performances and practices tending to the collection of persons on the streets or sidewalks.

Unwholesome or nauseous houses, etc.

Twenty-seventh.—To compel the owner or occupant of any grocery, cellar, packing-house establishment for steaming or rendering lard, tallow or offal, soap or tallow-chandler, blacksmith shop, tannery, stable, privy, sewer, distillery, brewery, livery stables, slaughtering establishments, or other unwholesome or nauseous house or place; to cleanse, remove or abate the same, as may be necessary for the health, comfort or convenience of the inhabitants.

Enumerations.

Twenty-eighth.—To provide for taking an enumeration of the inhabitants of the city.

Punishment of offenders.

Twenty-ninth.—To provide for the punishment of offenders against the ordinances of said city by fines and forfeitures and imprisonment, and the magistrate or court before whom such offenders shall be tried, shall have power to direct, as part of the judgment against said offenders; in case they shall fail or refuse to pay said fines and forfeitures and costs, said offenders shall be committed to the county jail of said Effingham county, until such fines, forfeitures and costs shall be paid, or until otherwise discharged by due process of law. Process may be issued immediately by said magistrate or court, on rendition of judgment, to enforce payment thereof; and in all cases of riot, rout, affrays, swindling, gaming, sale of intoxicating or malt liquors without license, assault or assault and battery, and

vagrancy; the dieting of such persons so committed to said jail to be paid for by the said county of Effingham.

Thirtieth.—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches, shall be so constructed and laid as to interfere as little as possible, with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys and ditches, sewers and culverts, where the city council shall deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

To regulate railroad tracks, etc

Thirty-first.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail of Effingham county; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offence, and such fine or penalty may be recovered with costs in any action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty [is] imposed, shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail for such time and in such manner as may be provided by ordinance.

Power to pass ordinances.

General powers of city council to govern the city.

ARTICLE VI.

OF TAXATION.

§ 1. The city council shall have power within the city by ordinance,

First.—To levy and collect annually, taxes not exceeding five mills to the dollar, on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made tax-

Power to levy taxes for general purposes.

able by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

School purposes.

Second.—To annually levy and collect a school tax not exceeding five mills on the dollar, on all property taxable for state purposes for purchasing ground for school houses, building and repairing school houses, and supporting and maintaining schools.

Tax to pay interest on city debt.

Third.—To levy and collect taxes not exceeding five mills to the dollar, per annum on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinances or resolution incurring or creating a debt, without at the same time making provision for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

Tax for public buildings.

Fourth.—To annually levy and collect taxes on all property subject to taxation, when required for the erection of a city hall, markets, hospitals, city prison or work house, the purchase of market grounds, public squares or parks, or any other public improvements: *Provided*, the estimated costs of a city hall, work house or market house may be apportioned by the city council and collected by a series of annual assessments; but the cost of market grounds, markets, public squares or other improvements may be levied and collected upon all the real estate and other property in the natural divisions of the city in which they are located. No local improvement under this section shall be ordered in any division or ward, unless the aldermen from such ward shall vote for the same; but no tax or taxes shall be levied in any one year under this section, which shall exceed five mills to the dollar on the property assessed for any or all purposes herein specified. The revenues arising from such markets or other improvements, shall be applied to the liquidation of the cost thereof, and taxes shall be levied and collected to make up the deficiency.

Tax for lighting the city.

Fifth.—To levy and collect upon all property in such districts as they shall from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and posts, and lighting the streets in such district or ward, and the tax thus collected shall be exclusively expended for such purposes in the district or ward paying the same.

Tax for street labor.

Sixth.—To require and it is hereby made the duty of every male resident of the city over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof three dollars: *Provided*, the same shall be paid within ten days after notification by the supervisor or street commissioner. In default of payment as aforesaid, the sum of four dollars, and costs

may be collected, and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

§ 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted, without the consent, in writing, of all persons owning land or lots and adjoining said street, alley or highway. They shall cause all streets, alleys and highways or public squares or ground, laid out by them, to be surveyed, described and recorded in a book, to be kept by the clerk, showing accurately and particularly, the proposed improvement or improvements, and real estate required to be taken, and the same when opened and made shall be public highways and squares.

Power to open streets and alleys.

§ 2. Whenever any street, alley, or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city, at the expiration of which time they shall choose, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefited thereby, in proportion as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners.

In case of remonstrance against opening alleys.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties they shall give at least five days' notice to all persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents, or unknown. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Proceedings of commissioners to ascertain damages or benefits.

§ 4. If there should be any building standing in whole or in part, upon the land to be taken, the commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the

In case of building on land to be used for public purposes:

actual injury to him in having such building taken from him, and secondly the value of such building to him to remove.

Notice to be given.

§ 5. At least five days' notice shall be given to the owner of such determination when known and a resident of the city, which may be given personally or in writing left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested, shall be given by publication in the newspaper, publishing the ordinances of the city, such notice shall specify the buildings and the award of the commissioners and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election, to the city council either to accept the award of the commissioners and allow such building to be taken with the land condemned, or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such reasonable time for that purpose as the city council may direct.

In case of refusal of the owner

§ 6. If the owner refuse to take the building at its appraised value to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction for cash, or on credit, giving five days public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Valuation of real estate.

§ 7. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner the value of the real estate appropriated and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom, for any benefit which such owner may derive from such improvement. In the estimate of damages to the land, the commissioners shall include the value of the buildings if the property of the owner of the land is estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove—in that case they shall only include the difference between such value, and the whole estimated value of such building.

Duties of appraising commissioners.

§ 8. If the damage to any person be greater than the benefit received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case, be collected of or paid to them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively may be awarded

to them by the commissioners, less the benefits resulting to them respectively, from the improvement.

§ 10. Having ascertained the damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same together with the costs of the proceedings upon the real estate by them deemed benefited in proportion to the benefit resulting from the improvements as nearly as may be, and shall describe the real estate upon which their assessment may be made. When completed the commissioners shall sign and return the same to the city council, within thirty days of their assessment.

Apportionment
of damages.

§ 11. The clerk shall give ten days' notice by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections shall be heard before the city council, and the hearing may be adjourned from day to day. The city council shall have power in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled all the proceedings shall be void, if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner, and give like notices as herein required in relation to the first, and all parties in interest shall have the like notices and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination, as are herein given in relation to the first.

Proceedings of
appraising com-
missioners.

§ 12. The city council shall have power to remove commissioners, and from time to time appoint others in place of such as may be removed, or refuse, neglect, or are unable from any cause to serve.

Removal of
commissioners

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit, other than the hands of the treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys, or other highways or public grounds may be made and opened.

Land to be
taken for pub-
lic uses.

§ 14. When the whole of any lot or parcel of land or other premises under lease or other contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between

Effect of con-
demning land
upon leases
and other con-
tracts.

landlord and tenant, or any other contracting parties touching the same or any part thereof, shall upon the confirmation of the report of the commissioners respectively, fully cease and be absolutely discharged.

When only a part of the land is taken.

§ 15. When part only of any lot or parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof, so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments received, payable and to be paid for or in respect to the same shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable in any respect of the same.

Owners of land may appeal to the circuit court.

§ 16. Any person interested may appeal from any order of the city council for opening, altering, widening or straightening any street, alley or other highway, or public ground, to the circuit court of Effingham county, by notice in writing to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal the city council shall make a return within thirty days after notice thereof, and the court shall at the next term after return filed in the office of the clerk thereof, hear and determine such appeals and confirm or amend the proceedings from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal all questions involved in said proceeding, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the city, or any party. The amount of damages may be assessed by a jury of said court, without formal pleadings, and judgment rendered accordingly, and the burden of the proof shall in all cases be upon the city, to show that the proceedings are in conformity with this act.

The owner and not the tenant shall be considered as the interested party.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear, every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying, to sue for and recover, of the persons bound to pay the same, the amount so paid with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessment.

Council may make changes.

§ 18. The city council may, by ordinance, make any changes they may deem advisable, in the proceedings here-

in prescribed, for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon personal or real estate benefited by the improvement, and in all such other respects as experience may suggest.

§ 19. Where any known owner, or other person, proving an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Effingham county, the county judge of said county, or any judge of the supreme court, may, upon the application of the city council, or such infant or his or her next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act, shall be served on such guardian.

In case the owner is a minor.

ARTICLE VIII.

PUBLIC IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

§ 1. The city council shall have power, from time to time, to cause any street, alley or other highway to be graded, regraded, levied, paved or planked, and keep the same in repair, and alter and change the same.

Grading of streets, etc

Second—To cause cross and sidewalks, main drains and sewers and private drains to be constructed and laid, re-laid, cleansed and repaired, and regulate the same.

Sidewalks, etc.

Third—To grade, protect, improve and ornament any public square or other public ground now or hereafter laid out.

Public grounds, etc.

Fourth—The city council shall have power to assess and collect, of the owners of lots or real estate, in any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, paving or planking such streets or other highways.

Assessments for improvements on owners.

§ 2. That for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers and drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same.

Sewerage and drainage.

§ 3. That whenever a majority of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar per annum, on the assessed value thereof, for the purpose of constructing such

Tax for drains and sewers.

sewers and drains, which tax shall be annually levied, as other city taxes, by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may, from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest, from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessment, but no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid.

No ordinance creating a debt to be repealed until the debt is paid.

Power to order lots to be filled up.

§ 4. All owners or occupants of lots or lands in front of, adjoining, or upon whose premises the city council shall order and direct sidewalks or private drains, communicating with any main drain to be constructed, graded, repaired, relaid, or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance, or otherwise, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense thereof, by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of the premises as in other cases. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses, as for money paid and laid out to his use at request.

Power to make repairs on lots and grounds, and assess the cost thereof.

Costs for abating nuisances.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Suit may be brought.

Power to compel owners to keep their grounds clean.

§ 6. The city council shall have power to compel the owners of lots or ground fronting or adjoining any private or public alleys to keep the same clean, and if necessary, to

direct the same to be paved, planked or otherwise improved, and the cost thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

§ 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

Form of assessment lists.

§ 2. The annual lists shall be returned by the assessor on or before the first Monday in August in each year, but the time may be extended by order of the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing by publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

Correcting the assessment lists.

§ 3. When the assessment lists have been corrected and revised the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied: *Provided*, that a certified copy of such ordinance or resolution may be filed in the office of the clerk of the county court, whose duty it shall be to place such taxes on the collector's book of the township of Douglas, in said county. It shall then be collected in the manner provided in the ninth section of an act to incorporate cities and towns, approved February 10, 1849, for the collection of corporate taxes.

Apportioning the tax.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council, under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate from and after the delivery of

Modes of enforcing the payment of taxes

the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real-estate shall be taken for the taxes on personal estate in case of removal or when the tax can not be made out of the personal estate, in the same manner as is prescribed by the laws of this state: *Provided*, that in case the collection of any assessments shall be delayed by injunction or other judicial proceedings, the same shall continue a lien upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Clerk to issue warrant for taxes.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be separately set down opposite the name of the person of such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Warrant to be signed and sealed.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit, in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for ten days in the newspaper printing the ordinances of the city shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's lists shall in all cases be evidence on the part of the city corporation.

What shall be deemed a refusal to pay.

Collector shall collect taxes.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority, as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liability in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Delinquent tax sales.

§ 8. In cases of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within two years after the confirmation of the assessment by the city council. Before any such sale an order shall be made by the city coun-

cil, which shall be entered at large in the journals or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which together with the warrant, shall constitute the process upon which such sale may be made.

§ 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner (when known) and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale and shall be published at least four times. The proceedings may be stopped at any time on the payment of the taxes or assessments and interest with expenses of advertising.

Advertising delinquent tax sales.

§ 10. All sales shall be conducted in the manner required by law; but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Manner of making delinquent tax sales.

§ 11. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns to the same extent as is allowed by law in cases of real estate for taxes, on the payment in specie or current funds, of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any *infant, femme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser under the corporate seal,

Redemption of land sold for taxes.

Redemption in case of infant, femme covert, etc.

signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to said purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered, shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Deeds for tax sales

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city council shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.

In case of no bid, then the land to be struck off to the city.

§ 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of the land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Tax deeds shall be prima facie evidence.

§ 14. All deeds made to the purchasers of lots or real estate sold for taxes or assessments by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts; *First*, that the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law. *Second*, that the taxes or assessments were not paid at any time before the sale. *Third*, that the land conveyed had not been redeemed from that sale at the date of the deed, and shall be conclusive evidence of the following facts: *First*, that the land or lots was advertised for sale for the length of time and in the manner required by law. *Second*, that the land was sold for taxes or assessments as stated in the deed. *Third*, that the grantor in the deed was the purchaser. *Fourth*, that the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or

Manner of sale, etc.

Title to land;

they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state, after the sale, and that all taxes due upon the lands have been paid by such persons or the persons, under whom he claims title as aforesaid.

ARTICLE X.

FIRE DEPARTMENT

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission and direct, and prescribe that all buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the re-building or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

Powers to guard against fires.

§ 2. The city council shall have power, *First*, to regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the cleaning and sweeping of chimneys.

Power to regulate flues and chimneys.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Fire places and stove pipes.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Regulate deposit of ashes.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use thereof in times of fire; and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Power to compel persons to keep wells and cisterns.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

To prohibit fire-works, etc.

Sixth.—To regulate, prevent and prohibit the use of fire-works and fire-arms.

Concerning gun powder.

Seventh.—To direct and prohibit the management of houses for the storing of gun powder and other combustible and dangerous material within the city; to regulate the keeping and conveying of the same, and use of candles and other lights in stables and other like houses.

Concerning partition walls and fences.

Eighth.—To regulate and prescribe the manner and order the building of parapet and partition walls, and partition fences.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs and ladders leading to the same.

Authority to keep persons away from fires

Tenth.—To authorize the mayor, fire-wardens, or other officers of said city to keep away from the vicinity of any fire, all idle or suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Fire engines.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power—

Hook companies.

First.—To organize fire, hook, hose, axe and ladder companies, and such other companies as may be necessary.

Appointment of firemen.

Second.—To appoint during their pleasure, a competent number of able and respectable inhabitants of the city as firemen, to take the care of and management of the engines and other apparatus and implements used and provided for the extinguishment of fire.

Duties of firemen.

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same; and for incapacity, neglect of duty, or misconduct, to remove them.

Chief and assistant engineer.

Fourth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus, and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Exemption of firemen from

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from

serving on juries, in the militia, or working on the streets, or paying any taxes for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk under the corporate seal for the year in which exemption is claimed.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Report of receipts and expenditures.

§ 2. The inhabitants of the city of Effingham are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof, without said limits.

Citizens exempt from road labor outside the city limits.

§ 3. The street commissioner shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such [manner] as the city council may direct, or the street commissioner shall deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business of any person so required to labor, as aforesaid, a written or printed notice, or partly written or partly printed notice, in such form as the city council may prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated for the purpose of laboring upon the streets and alleys. But a similar notice published for ten days in the newspaper publishing the ordinances of the city by the street commissioner, or posted in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor, as aforesaid, or to pay the tax, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit with costs, as in other cases.

Mode and manner of requiring and performing road labor, etc.

Notice.

Neglect to appear and labor.

§ 4. The city council shall have power to establish, make and declare boundaries, and names of streets and alleys.

Names of streets.

- Fines and penalties to go in the city treasury** § 5. All fines, forfeitures and penalties collected for offences committed within said city, shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner.
- Additions to the city.** § 6. The city council shall have power to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.
- Money to be expended.** § 7. The city council shall, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportion as near as may be of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each division to the general fund; street taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.
- Remission of fines.** § 8. Neither the city council or mayor shall remit any fine or penalty imposed upon any person, for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission. Nor shall any thing in this act be so construed as to oust any court of jurisdiction, to abate and remove nuisances within its jurisdiction, by indictment or otherwise.
- Vote of city council—how rescinded.** § 9. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting, there shall be present as large a number of aldermen as as was present when the vote was taken.
- Publication of ordinance.** § 10. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment, or forfeiture, for any violation of its provisions, shall, after the passage thereof, be published in one weekly issue of the newspaper publishing the ordinances of the city; and proof of said publication by the affidavit of the printer or publisher of such newspaper taken before any officer authorized to administer oaths and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.
- Actions for recovery of penalties.** § 11. All actions brought to recover any penalty or forfeiture incurred under this act or any ordinance, by-law, or police regulation, made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine, or forfeiture, stating the clause of this act, or the by-law or ordinances

under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 12. In all prosecutions for the violation of any ordinance, by-law, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

First process to be a summons

§ 13. Execution may be issued immediately on rendition of judgment. If the defendant has no goods, chattels, or real estate, within the county of Effingham, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail, or work-house, or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs; all expenses incurred in any execution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Execution of judgment.

§ 14. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Effingham in any action or proceeding in which said city may be a party in interest.

Competency of citizens in cases where the city is a party.

§ 15. All ordinances, regulations and resolutions, now in force in the town of Effingham, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect; and all said ordinances, regulations and resolutions, and all acts, proceedings, matters and things of any and every name and notice whatsoever done, or provided to be done by the town trustees of Effingham, before this act shall take effect, are hereby made and declared to be valid.

Old ordinances to be valid.

§ 16. All rights, actions, fines, penalties and forfeitures in suits or otherwise, which have heretofore accrued to said town, at any time, shall be vested in and prosecuted by the corporation hereby created.

Fines and penalties.

§ 17. All property, real, personal, or mixed, belonging to the town of Effingham, is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall respectively continue in the same until suspended in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

Real property vested in the corporation.

§ 18. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

Ordinances shall be evidence.

§ 19. The style of all ordinances shall be: "Be it ordained by the city council of the city of Effingham."

Style of ordinances.

§ 20. This act shall not invalidate any legal act done by the town trustees of Effingham, or by its officers, nor divest their successors under this act of any rights of property or

Former acts valid.

otherwise, or liabilities which may have accrued to or been created by said corporation prior to the passage of this act.

Power to make arrests and to confine prisoner.

§ 21. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, to detain such persons in custody over night, or the Sabbath, in the watch house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Digest of ordinances.

§ 22. There shall be a digest of the ordinances of the city which are of a general nature, published within five years after the passage of this act, and a like digest within every period of five years thereafter.

§ 23. The mayor shall be, *ex officio*, a member of the board of supervisors of said county, and entitled to the same power and compensation as other members of said board.

Police justice etc.

§ 24. That the present police justice of the town of Effingham shall be and remain the police justice of the city of Effingham, until the regular election for city officers, on the first Monday of April, 1869, when the present incumbent's term of office expires, when there shall be elected a police justice for said city, who shall hold his office for four years and until his successor shall be elected and qualified, and every four years thereafter there shall be elected a police justice for said city, who shall be qualified in the same manner and have the same jurisdiction, and be subject to the same liabilities as other justices of the peace of said state.

APPROVED February 15, 1867.

In force Feb. 15 1867. AN ACT to incorporate the city of Jacksonville, in the county of Morgan, and State of Illinois.

ARTICLE I.

OF BOUNDARIES, GENERAL POWERS AND WARDS.

incorporation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the district of country in Morgan county, and the state of Illinois, embraced within the present corporate limits of the*

town of Jacksonville, including an extension of one quarter mile on the east, one quarter mile on the south, and one quarter mile on the west of said corporate limits, and the present boundary line of said corporation on the north, running east and west from the north-east corner of said extension to the north-west corner of the same, with such other additions of land as may be incorporated with and come under the jurisdiction of said city, as hereinafter provided, is hereby created into a city, by the name of the City of Jacksonville.

§ 2. The inhabitants of the said city shall be a corporation by the name of "City of Jacksonville," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city. Corporation.

§ 3. The city of Jacksonville shall be divided into four Wards. (4) wards, the boundaries of which shall be as follows: The first ward shall include all that section of said city embraced within the said corporate limits of said city, and shall be bounded and described as follows, to-wit: Commencing at the centre of the public square, and on the line of east State street, and running thence on a straight line with the centre of said street to the eastern boundary of said city, and thence following the boundary line of said city, north and west to the centre of north Main street, and thence south on a straight line to the place of beginning. First ward.

The boundaries of the second ward shall be as follows, to-wit: Beginning at the point where the boundary of the first ward commences, and thence running west on a straight line with the centre of west State street to the boundary limits of said city on the west, and thence running with the boundary line of said city, north and east, to the centre of north Main street, and from thence south with the said line of north Main street, to the place of beginning. Second ward.

The third ward shall include all that section of said city commencing at the beginning of the boundary of the said first ward, and running thence south on the centre of south Main street (which is commonly known as St. Louis street) to the southern boundary of said city, and running thence, east and north, with the boundary of said city, to the centre of east State street, and from thence along the centre of said street in a straight line therewith, west to the place of beginning. Third ward.

The fourth ward shall include all that section of the said city, commencing at the beginning points of the boundaries aforesaid, and running thence west on a straight line with the centre of west State street to the boundary of the said Fourth ward.

city, and thence running with the said boundary, south and east, to the centre of said south Main street, and from thence north to the place of beginning.

Boundaries may
be changed.

The boundaries of said wards may be, by the city council, changed from time to time; and the city council may create additional wards, as occasion may require, and fix the boundaries of the same.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENTS.

- City council. § 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and one alderman from each ward. The other officers of the corporation shall be as follows: a city clerk, a city marshal, a city treasurer, a city attorney, a city collector and assessor, a city street commissioner and a city surveyor, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance.
- City officers.
- Term of office, § 2. All officers to be elected or appointed under this act, except such as are otherwise provided, shall hold their offices one year and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council by ballot, on the first Monday of April in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council. All officers elected to fill vacancies, except where specially provided for, shall hold for the unexpired term only, and when appointed to fill vacancies, until the next general election, or until the election or appointment and qualification of their successors.
- Appointive city officers.
- Pollcemen.
- Officers who fill vacancies.
- Aldermen. § 3. The several wards in the city shall be represented in the city council by one alderman from each ward, who shall be a *bona fide* resident thereof. The aldermen shall hold their offices for one year from and after their election, and until the election and qualification of their successors.
- No quorum. § 4. If from any cause there shall not be a quorum of aldermen, the mayor, or on the contingency of his inability to act, the city clerk, shall appoint the time and place for holding a special election to supply such vacancies, and to appoint judges thereof if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If there should be a failure by the people to elect and officer herein required to be elected, the city council shall forthwith order a new election.
- Removal from the ward.
- Failure to elect
- Removal from office. § 5. Any officer elected or appointed to any office, may be removed from such office by a vote of two-thirds of all

aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense. Must be heard in defense.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the city council shall order such special elections within ten (10) days after the happening of such vacancy; any vacancy occurring in any other office may be filled by appointments by the city council. Vacancy.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act. Eligibility.

ARTICLE III.

OF ELECTIONS.

§ 1. A general election shall be held in each ward of the city on the first Monday of April next, 1867; the time in said day and the place of such election in each ward shall be determined by the board of trustees of the town of Jacksonville, who shall give twenty (20) days' notice thereof, posted in two public places in every ward; and they shall also appoint three (3) judges of election for each ward; at such election shall be chosen one mayor by the city at large, and one alderman in each ward—the alderman to be voted for only by the residents of the ward which he is elected to represent, a city clerk, a city marshal, a city collector and assessor, and a city street commissioner. Upon each and every first Monday in April thereafter, there shall be held a general election for all the officers required to be elected by this act. General election

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll list, canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may be hereafter provided by law for state elections: *Provided*, the city council shall have power to appoint the judges thereof; the voting shall be by ballot, and the judges of election shall take the same oath, and shall have the same power and authority as the judges of state elections. After the closing of the polls, the ballots shall be counted, as provided by law, and the returns shall be made sealed to the city clerk within two (2) days after the election, and thereupon the city council shall meet and canvass the same, and declare the result of the said election. The person having the highest number of votes for any office shall be declared elected, and whenever there shall be a tie vote, a new election shall be ordered by the city council. It shall be the duty of the city clerk to notify all persons elected or ap- Judges of election. Election of officers. Manner of conducting elections. Proviso. Returns of election. Tie vote. Notice to persons elected.

pointed to office of their election or appointment, and unless such persons shall qualify within ten (10) days after such notice, the office shall become vacant. At the first election held on the first Monday of April next, the returns shall be made to the clerk of the board of trustees of the town of Jacksonville, and the president and trustees thereof, shall meet and canvass the same, and declare the result of the election.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at a state election, and who has not been a resident of said city at least three (3) months next preceding said election; and he shall have been, moreover, an actual resident of the ward in which he votes for ten (10) days previous to such election, and the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

ARTICLE IV.

POWER AND DUTIES OF OFFICERS.

Oath of office. § 1. Every person chosen or appointed to executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Mayor. § 2. The mayor shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed in this city, and that all other officers of the city discharge their respective duties, and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

Posse. § 3. He is hereby authorized to call on any and all male inhabitants of the city to aid in enforcing the laws of the state or the ordinances of the city.

Powers of the mayor. § 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

Salary. § 5. He shall receive such salary as may be fixed by ordinance.

Approval of ordinances. § 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk and notice thereof given to the mayor; and, if the mayor approve thereof, he shall sign the same, and such as he shall not approve, he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolu-

Mayor's veto.

tion to the council, by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the city council shall agree by the ayes and noes which shall be entered upon the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three (3) days after the same shall be placed in the clerk's office and notice as aforesaid, the same shall go into effect: *Provided*, that a vote passing a resolution or ordinance over the veto of the mayor, shall not be taken within one week after the first passage of the resolution or ordinance; he shall, *ex officio*, have power to administer any oath required to be taken by this act, and certify the same under the seal of the city.

Ayes and noes.

Proviso.

Mayor may administer oath.

§ 7. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "*Acting Mayor*," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy shall be filled by a new election.

Acting mayor.

Vacancy.

§ 8. The members of the city council shall be, *ex officio*, fire-wardens and conservators of the peace during their term of office.

Fire-wardens.

§ 9. The clerk shall hold his office for one year; he shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the city council, and keep a full record of their proceedings on the journal, and safely keep all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, and copies of documents certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an accurate account of all receipts and expenditures in such manner as the city council shall direct, and he shall have power to administer any oath required to be taken by this act.

City clerk.

Oaths.

§ 10. It shall be the duty of the city attorney to perform all professional duties incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council or its committees.

Attorney.

§ 11. The city collector and assessor shall collect all taxes and assessments which may be levied by the city council; he shall collect all moneys belonging to the city, and shall pay the same over into the hands of the treasurer, keeping an accurate account of the same.

Collector and assessor.

Treasurer.		§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct, and no moneys shall be drawn from the treasury except in pursuance of an order by the city council, and be drawn by a treasury warrant signed by the mayor or the presiding officer of the city council, and countersigned by the city clerk. The treasurer shall exhibit to the city council at least thirty (30) days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which shall be filed in the office of the clerk, and published in some newspaper of said city at least ten (10) days before the election.
Treasury warrants.	war-	
Annual statement.	state-	
City marshal.		§ 13. The city marshal shall hold his office for one year, and he shall not be eligible to said office for more than three (3) years in succession, and shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license money, fines or otherwise; he shall possess the power and authority of constable, at common law and under the statute of the state, and receive the fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the city council, payable to said city as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof.
Fees.		
Bond.		
Process.		
Assessor and collector.	and	§ 14. The assessor and collector shall perform all duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities; on completing the assessment list, and having revised and corrected the same, he shall sign and return them to the city council.
Powers.		
Duties of street commissioner.		§ 15. The street commissioner shall attend all local improvements in the city, and carry into effect all orders of the city council in relation to the same. It shall be his duty to superintend and supervise the opening of streets and alleys, and the grading and improving thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying and relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon a failure of any person to comply with such notice, to cause the same to be laid or relaid or repaired, subject to the provisions hereinafter made; to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on
Sidewalks.		
Accounts.		

what account; and he shall render monthly accounts thereof to the city council.

§ 16. The city council shall have power, subject to the expressed provisions of this act, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the power and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix the compensation of all officers. They may also require all officers, severally, before they enter upon the duties of their respective office, to execute a bond to the city of Jacksonville, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all money and other property received by them, which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office and remain for the benefit of any person aggrieved by the official act of the officer.

Duties and compensation of officers.

§ 17. The city council shall also have power to appoint a city engineer or surveyor, and a city treasurer, and the necessary number of policemen, and regulate the duties and fix the pay of each.

City engineer or surveyor.

§ 18. All officers elected or appointed shall be commissioned under the corporate seal, signed by the mayor or presiding officer of the city council and clerk.

Commission of officers.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL—ITS GENERAL POWER AND DUTIES.

§ 1. The mayor and aldermen shall constitute the city council, they shall meet and organize the first Monday after their election. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

City council.

Mayor shall have casting vote.
Quorum.

§ 2. The city council shall hold twelve (12) stated meetings, one in each month during the year; and the mayor or any two aldermen may call special meetings of the council, notice to be served personally, or left at their usual place of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings, and shall have power to compel the attendance of absent members.

Stated meetings

Petitions.

§ 3. The city council shall have control of the finances and of the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance.

Finances.

- Borrow money.** *First*—To borrow money on a credit of the city and issue bonds of the city therefor, but no bond shall be issued having more than five years to run, and there shall never be outstanding bonds to a greater amount than two per cent. of the last assessed value of the real and personal property of the city, unless a majority of the voters of said city authorize them so to do, at an election to be held for that purpose at such time, and conducted as the city council may direct. It shall be the duty of the city council to provide either by taxation or by the issue of bonds, for the payment of all claims against the city, as rapidly as such claims fall due. All orders on the treasury shall be made payable on demand, and shall draw no interest. No appropriation shall be made for any public building or other improvements out of the general fund of the city, except in such cases as where the city council shall not have authority to provide for the same, by special taxation levied on the property benefited thereby, or where the city council shall by resolution declare that it will be unjust and unequitable that the property in the vicinity shall bear the expense of such improvement, and that such improvement is required by the general interest of the city, and no appropriation shall be made for any public improvement until the expense of such improvement shall be estimated by the proper officers, and unless it shall be found by such estimate and a statement of the estimated cost of all other public works in progress and other probable expenses of the city, that such works can be completed within due time by the ordinary surplus revenue of the city and the issue of such bonds as the city council is by law authorized to issue.
- Bonds for city indebtedness.**
- Orders on the treasury.**
- Special taxation**
- Public improvements.**
- Appropriations.** *Second*—To appropriate moneys, and to provide for the payment of the debts and expenses of the city.
- Health of city.** *Third*—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.
- Nuisances.** *Fourth*—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall deemed nuisances, and authorize and direct the summary abatement thereof.
- Abatement.**
- Pumps and wells.** *Fifth*—To provide the city with water, to make, regulate and establish public wells, pumps and cisterns, by drains, hydrants and reservoirs in the streets within the city, or beyond the limits thereof, for the extinguishment of fire, and for the convenience of the inhabitants, and manufacturing interests and to prevent the unnecessary waste of water.
- Streets, alleys and highways.** *Sixth*—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate

and remove any encroachments, or obstructions thereon. To open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve any street or alley, anywhere within the city limits, and to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and protect the same from any encroachments or injury.

Seventh.—To establish, erect, construct, regulate, and keep in repair, bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same and to abate any obstruction or encroachment thereof; to establish, alter, change and straighten the channel of water courses and natural drains, to sewer the same or to wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Eighth.—To provide for the lighting of the streets, and erecting lamp posts, and lamps therein, and regulate the lighting thereof, and from time to time correct, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes, and gas fixtures in the streets, alleys and sidewalks.

Ninth.—To establish markets and market houses and other public buildings of the city, and provide for the government and regulations thereof, and their erection and location.

Tenth.—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to regulate the planting and preserving of ornamental and shade trees in the streets and other public grounds.

Eleventh.—To erect or establish one or more hospitals or dispensaries, and control and regulate the same.

Twelfth.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, fire wood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalk and street gutters in front of the premises occupied by them.

Thirteenth.—To license, tax and regulate merchants, commission merchants and all venders, dealers and traders in any goods, wares, merchandize, groceries or liquids, and inn-keepers, brokers, money brokers, insurance brokers, and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate and prohibit hawkers, peddlers, pawnbrokers, grocery keepers and keepers of ordinaries, theatricals or other exhibitions, shows and amusements.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others

pursuing like occupations with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for cars, stages and public houses.

Disorderly
houses.

Fifteenth.—To prohibit and suppress disorderly houses, bawdy houses, gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice, and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gambling.

Charges for
license.

Sixteenth.—To authorize the proper officer of the city, to grant and issue licenses and to direct the manner of issuing and registering of the same, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and no license shall be granted for more than thirty (30) days, except with power reserved to the city council to revoke such license at pleasure. The city council shall have power to regulate, license, tax, prohibit and

Liquor licenses.

punish the sale of intoxicating, alcoholic or malt liquors, wine, cider, beer, soda water, or all drinks whatever.

Forestalling, etc

Seventeenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Butchers.

Eighteenth.—To regulate, license and prohibit the butchers, and to revoke their license for malconduct in the course of trade.

Weights and
measures.

Nineteenth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders or dealers in merchandize or property of any description, which is sold by weights or measures, to cause their measures and weights to be tested and sealed by the city surveyor, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law and ordinance.

Building mate-
rials.

Twentieth.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building material, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Forage and fuel.

Twenty-first.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Staples.

Twenty-second.—To regulate the inspection of beef, pork, flour, meal, and other provisions, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors and prescribe their duties and regulate their fees: *Provided*, that

nothing herein contained shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Twenty-third.—To regulate the weight and quality of bread to be sold or issued within the city, and the inspection thereof. Bread.

Twenty-fourth.—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof. Regulating bricks.

Twenty-fifth.—To prevent and suppress any riot, affray, noise, disturbance or disorderly conduct or assembly in any public or private place within the city. Maintain the public peace.

Twenty-sixth.—To prohibit, prevent and suppress horse racing, immoderate driving in the city, and to compel the stopping thereof by any person so authorized; to prohibit and punish the abuse of animals; to compel persons to fasten and well secure their horses, or other animals attached to vehicles, or otherwise, while standing or remaining in the streets. To prevent racing and fast driving.

Twenty-seventh.—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and provide for the arrest and punishment of persons found intoxicated in the streets or public places. Vagrants, prostitutes, etc.

Twenty-eighth.—To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats, and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Prevent the running at large of animals.

Twenty-ninth.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others for the purpose of business, amusement or otherwise. To prevent flying kites and other annoying practices.

Thirtieth.—To abate all nuisances which may injure or affect the public morals, health or comfort in any manner they may deem expedient. To abate nuisances.

Thirty-first.—To do all acts and make all regulations which may be necessary or expedient for the protection and promotion of health and the prevention and suppression of disease. Health.

Thirty-second.—To compel the owners of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tan- Cleanliness.

nery, stable, privy, sewer or any other unwholesome nuisance, house or place; to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Odoriferous establishments. *Thirty-third.*—To direct the location and regulate the management of and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses, and common horse or cow stables, and pig sties; to direct the location and regulate the management and construction of and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and railroad, cattle, hog or stock pens or inclosures for the shipment of stock, and all other places and establishments where any nauseous, offensive or unwholesome business may be carried on.

Returns of deaths and births. *Thirty-fourth.*—To regulate and provide for the burial of the dead; to establish and keep in repair one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons, and all other persons, for any default in the premises.

City census. *Thirty-fifth.*—To provide for the taking an enumeration of the inhabitants of the city.

Work house, or house of correction. *Thirty-sixth.*—To erect and establish a work house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such work houses or houses of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate's court in and for the city, for any assault, rout, riot, affray, assault and battery, petit larceny, or other misdemeanor, or breach of any ordinance of the city, punishable by imprisonment in any county jail, and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may instead of being committed to the county jail of Morgan county, be kept therein subject to labor and confinement.

Drains, sinks, privies. *Thirty-seventh.*—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their construction and cause the expense thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks. *Thirty-eighth.*—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys within the city; to require the railroad tracks, bridges, turn-outs and switches to be so constructed and laid out as to interfere as little as possible

with the ordinary travel and use of the streets and alleys ; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city. Regulations.

Thirty-ninth.—The city council shall have power to pass, Ordinances. publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution or laws of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation ; to determine what shall be a nuisance, and provide for the Nuisances. punishment, removal and abatement of the same ; to enact and enforce the observance of all such rules, ordinances and police regulations, and to punish violations of the same by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the court or magistrate before whom conviction may be had ; but no fee or penalty shall exceed five hundred dollars, nor the Punishment- imprisonment six months, for any offence ; and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, or by presentment or indictment in the circuit court ; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in a default thereof may be Imprisonment. imprisoned in the county jail, city prison, work house, or required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

Fortieth.—The city council shall have power to provide from time to time for the election of as many justices of the peace and constables as the council in their discretion may deem that the interests of the city require, and make all regulations necessary and proper to carry out the provisions of this section. Election of justices and magistrates.

ARTICLE VI.

OF TAXATION.

The city council shall have power within the city by Taxes. ordinance—

First.—To levy and collect annually taxes on all real and personal estate and property within the city, and all personal property of the inhabitants thereof made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for, which taxes shall constitute the general fund.

Second.—To require every male resident of the city over the age of twenty-one years and under fifty years to labor Road labor. three days in each year upon the streets and alleys of the

city; but any person may at his option pay in lieu thereof one dollar for each day required: *Provided*, the same shall be within ten days after notification by the street commissioner. In default of payment as aforesaid, the sum of three dollars and costs may be collected; and no set-off shall be allowed in any suit brought to collect the same.

Valuation. *Third.*—The valuation of any property, real or personal, by the assessor, shall not exceed the actual cash value of the same.

Rate of taxation. *Fourth.*—The rate of taxation levied upon any property, real or personal, in any one year, shall not exceed one per cent. for general taxes, except as hereinbefore provided. And the rate of all special taxes, not including the assessments for benefit derived from opening or widening any neighborhood street or alley, shall be within such limit as the city council may prescribe, subject to the provisions hereinafter set forth.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Opening streets § 1. The city council shall have power, upon the petition of the owners of two-thirds of the property fronting thereon, and without such petition by the unanimous vote of the city council, to open and lay out public grounds or squares, streets, alleys and highways, or section thereof; and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway, and the unanimous vote of the city council. The city council shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same when opened and made, shall be public highways and public squares.

Owners of lots.

Streets, alleys and public grounds.

Appropriation of land.

§ 2. Whenever any street, alley, or highway, public ground or square is proposed to be laid out, opened, altered, widened, or straightened, by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice by two insertions in a weekly paper or six insertions in a daily paper, in the newspaper publishing the ordinances of the city, at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time determine what

Commissioners.

persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected, shall be necessary to a choice of commissioners.

Damages and
benefits.

The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities; before entering upon their duties they shall give at least five days' personal notice of the time and place of their meeting for the purposes of viewing the premises and making their assessments; which notice shall be given only to the owners who are residents thereof and known. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Oath of com-
missioners.

Evidence.

§ 3. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Valuation of
property.

§ 4. At least five days' notice shall be given to the owner, of such determination, when known and a resident of the city, which may be given personally or in writing left at his usual place of abode. If a non-resident or unknown, like notice to all persons interested shall be given, by one publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners. It shall also require the persons interested to appear, by a day to be named therein, not exceeding thirty days, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Notice.

What is required
in the no-
tice.

§ 5. If the owner refuse to take the building at its appraised value to remove, or fail to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Removal of
building.

Refusal of own-
er.

Proceeds of
sale.

§ 6. In making their assessments the said commissioners shall ascertain the value of the land taken and all expenses of the improvements and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the

Value and ex-
penses.

Proviso.	whole amount thereof: <i>Provided</i> , that the assessment upon such property shall not exceed the benefit derived to the owner of said property, which shall be paid by the owners respectively, and be a lien upon the property on which it may be assessed and collected, as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him, for his share in the improvement, and if more, the difference shall be paid him in money out of the city treasury before the land is taken. Said commissioners shall
Description of lands.	particularly describe the lands and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion.
Notice.	§ 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the city council unless objections are made to the same by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to alter, confirm or annul the assessment. If annulled all the proceedings shall be void. If altered or confirmed, an order shall be entered directing a warrant to issue for the collection thereof.
Objections may be heard.	
Removal of commissioner.	§ 8. The city council shall have power to remove the commissioners, and from time to time, appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve.
Condemned property.	§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or agent can not be found in the city, deposited to his or their credit in some safe place of deposit, other than the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public ground may be made and opened.
Owner or agent.	
Interested persons.	§ 10. Any person interested may appeal from any final order of the city council for opening, widening, altering or straightening any street, alley or other highway or public ground to the circuit court. Upon trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony adduced to the court, or upon applications of the city, or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set
Amount of damages.	

aside the proceedings or final order of the council for any omission or informality, without injury has resulted therefrom.

§ 11. When any owner known or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant having no guardian, and any proceedings shall be had under this act, any court of record may, upon the application of the city council, or such infant or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian, and the final determination of either the common council or court in the premises shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter.

In case of minors.

Guardian.

Final determination.

ARTICLE VIII.

PUBLIC IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

§ 1. The city council shall have power, from time to time, upon the petition of the owners of two-thirds of property fronting thereon, or without such petition, by the unanimous vote of the city council, to cause any street, alley or other highway, or section thereof, to be graded, re-graded, leveled, paved or planked, and keep the same in repair, and alter and change the same, to cause side and cross-walks, main drains and sewers, and private drains or sections thereof, to be constructed and laid, re-laid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or other public ground now or hereafter laid out, and build any school or other public building necessary and proper for the use of the city, and make the necessary appropriation therefor, subject only to the limitations herein provided limiting the rate of taxation and the issue of bonds.

Petition for improvements.

Public improvements.

Appropriations for expenses.

§ 2. The city council shall have power to assess and collect of the owners of lots or real estate on any street or other highway in which any sewer may be built, or any part thereof, in the same manner as other city taxes, or in such a manner as may be prescribed by ordinance. All expenses and damages for the purpose of grading, paving, planking or sewerage such street, sidewalk, pavement or other highway. All owners or occupants of lot or lands in front of or adjoining or upon whose premises the city shall order and direct sidewalks, or private drains or gutters, or sewers, communicating with any main drain or sewer, to be constructed, graded, paved, planked, repaired, re-laid or cleansed, or shall declare any such lands or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave, plank, repair or re-lay such sidewalk, or make or cleanse

Collection of expenses and damages.

Declare nuisance.

Powers of the city council.	such private drains, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges within the time and in manner prescribed by ordinance or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, re-laid, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense and damage thereof by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of the premises as in other cases. A suit may also be maintained against the owner of such premises for the recovery of such expenses, as for money paid and laid out to his use at his request:
Warrant.	<i>Provided</i> , that no assessment shall be made upon any lot that shall exceed the benefits which the owners thereof shall derive from such improvements.
Proviso.	
The removal of nuisance.	§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be, likewise, collected by the owner or occupant of such premises in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may, in like manner, be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.
Occupant of the premises.	
Owners may be compelled.	§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley, to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

Annual assessment list.	§ 1. The annual assessment lists shall be returned by the assessor, on or before the first day of August in each year, but the time may be extended by the city council. On the return thereof the city council shall fix a day for hearing objections thereto; and the clerk shall give one week's notice of the time and place of such hearing, by one publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property may appear, at the time specified, and make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the
Publication.	
Objections.	
Supplying omissions.	

same, and the treasurer shall have power to add to and supply omissions by the assessor, after the warrant shall have come into his hands.

§ 2. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, and in their discretion, specify the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

Order for warrant.

§ 3. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted, or assessed for two years, from and after said first day of August, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor, may be taken and sold for the payment of taxes on real estate, and the real estate shall be liable for the taxes on personal estate, in case of removal: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien unless set aside upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Taxes shall be a lien.

Sale or transfer

Proviso.

§ 4. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Injunction.
Clerk shall issue warrant.

§ 5. All warrants issued for the collection of general or special taxes and assessments, shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be collected, and shall be delivered to the collector for collection by the first day of October, unless further time be given by the city council, of which he shall give notice, by publication in the newspaper publishing the city ordinances. The collector shall thereupon proceed to the collection of said taxes, but he shall in no case be compelled to make personal call or demand for the same. If not otherwise paid by the first day of January following, the collector shall have power to collect said taxes, with interests and costs, by suit in corporate name of the city, or by distress and sale of personal property. And

Copies of assessment lists.

Collection of axes.

the collector shall be a competent witness, and the warrant to him as aforesaid, evidence on the part of the city.

Manner of collecting.

§ 6. All taxes or assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and state taxes, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of the collector by ordinance.

Non-payment of tax.

§ 7. In case of the non-payment of any taxes or assessments, levied or assessed under this act, by the first day of January of each year, the premises may be sold at any time thereafter within two years. Before such sale, an order shall be made by the city council, which shall be entered at large on the journals or records, particularly describing the delinquent premises to be sold, and the amount of taxes for which the sale shall be made, besides the costs, which costs need not then be ascertained, and directing sale thereby to be made by the collector. A certified copy of which order under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, and shall constitute the process upon which such sale shall be made.

Sale of premises.

Advertisement of sale.

§ 8. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings for the sale of any piece of ground may be stopped at any time, on the payment of taxes or assessment and interest, with expense of advertising the same.

Notice to be given.

Manner of conducting sales.

§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sales shall be made for the smallest portion of ground to be taken from the premises for which any person will take the same, and pay the taxes or assessments thereon, with interest and cost of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interests and expenses for which the same was sold, and when the time to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be

Duplicate certificates.

Name of purchaser.

regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

§ 10. The right for redemption in all cases for sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent that it is allowed by law in cases of sales of real estate for taxes, on the payment of double the amount for which the same was sold; and all taxes accruing, chargeable or paid on the premises, subsequent to the sale, with interest; but infants, *femme coverts*, or *lunatics*, shall have no other or further rights of redemption than other persons. In case of redemption, the money may be paid to the purchaser, or to the person entitled to the same, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor, or presiding officer of the city council, and countersigned by the clerk, conveying to such purchaser the premises sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered, by the clerk, in the book wherein tax sales are recorded; a fee of one dollar may be charged by the clerk for any deed so issued.

Redemption.

Minors and women.

If not redeemed

Tax deeds.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser: *Provided*, he, or they through whom he claims, shall have paid all taxes and assessments made since said sale on said premises.

Assignee of tax certificate.

§ 12. If at any sale of real or personal estate for taxes or assessments no bid shall be made for any parcel of land, or any goods or chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales. All persons, before they shall be entitled to a deed for premises sold for the non-payment of taxes, shall comply with section four, article nine, of the constitution of this state, and shall produce to the proper officer the proof thereof.

In case of no bid.

Duty of purchaser.

§ 13. All sales of lands or lots for non-payment of taxes contemplated by this act, and deeds made to purchasers or their assigns for the same, shall convey to the holder of such deed a perfect title in fee simple to said land or lot; and in all suits and controversies in relation thereto, any person claiming such title shall be compelled to prove only the order of the city council directing the sale, and the process upon which the sale was made, as provided for in section seven of article nine of this act; and any person claim-

Proving title to land sold for taxes.

ing title adversely thereto shall be permitted to defeat such title by proving that such land or lot was not subject to taxation at the time of the assessment, or that the taxes were paid, or land or lot redeemed according to the provisions of this act. But no person shall be permitted to question the title acquired by said deed without first showing that he or they, or those under whom he or they claim, have paid the full amount of taxes, costs, expenses or assessments made on the land or lot since said sale for taxes, or that the same has been deposited with the city treasurer for the use of the one entitled to receive it.

ARTICLE X.

FIRE DEPARTMENT.

Guard against fire. § 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding of wooden buildings; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

Abatement. § 2. The city council shall have power—
Chimneys and flues. *First*—To regulate the construction of chimneys and flues so as to admit of chimney sweeps, or other mode of cleaning, and to compel the sweeping and cleaning of
Stove pipes, etc. chimneys.

Second.—To prevent and prohibit the dangerous construction of chimneys, flues, fire-places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as are
Ashes, etc. dangerous to be put in a safe condition.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use thereof in times of fire; and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth.—To regulate and prevent the carrying on of man-

ufactories and work dangerous in promoting and causing fires.

Sixth.—To regulate, prevent and prohibit the use of fire works and fire arms. Fire arms.

Seventh.—To prohibit or have the management of houses for storing of gunpowder, or direct and prohibit other and dangerous materials within the city; and the use of candles and other lights in stables and other like houses. Gunpowder.

Eighth.—To regulate and prescribe the manner and order the building of parapet and partition walls, and of partition fences. Walls and partitions.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same. Scuttles.

Tenth.—To authorize the mayor, fire wardens or other officers of the said city to keep away from the fires all and any suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires, and in the preservation of property exposed to damage or danger thereat, and in preventing goods from being stolen. Extinguishing fires.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient. Regulations.

Twelfth.—The city may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide secure and fit houses and other places for keeping and preserving the same; and shall have power to organize fire, hook, hose, axe and ladder companics. Fire companies.

Thirteenth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, upon the recommendation of a majority of the members composing the fire department of said city, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council. Chief engineer.

ARTICLE XI.

A SYSTEM OF GRADED SCHOOLS.

§ 1. All the territory within the limits of the city of Jacksonville, in said county of Morgan, according to its present or future boundaries is hereby erected into a common school district. School district.

§ 2. All school funds from whatever source derived, belonging to township No. —, Morgan county, Illinois, held or owned for school purposes, shall be divided between the city of Jacksonville and the portion of the said School fund.

township without the same, in the proportion and manner following:

Division of fund The school trustees for the several districts of said township shall within thirty days after the first election contemplated by this act, appoint two commissioners who are free holders, one a resident of the said city, the other of said township without the city, who, after being sworn well and truly to discharge their duties, shall ascertain the whole number of persons under the age of twenty-one years residing in the whole of said township, and the whole number in said city, and in the township without the city; and thereupon said trustees shall divide and apportion said funds of said township between the city and the township without the city, according to the number of persons under the age of twenty-one years residing in said township. Said trustees shall have power to supply any vacancy occurring among said commissioners.

Apportionment of fund.

Board of education.

§ 3. The said trustees, or other person or persons having custody or control of said funds, shall pay over and deliver to the board of education of Jacksonville school district, the portion of funds to which said school district may be entitled. The public schools of said districts shall be under the exclusive management and control of a board of education, to consist of the mayor of the city, who shall be the president of the board, and one from each ward of the city, to be known as the "Board of Education of Jacksonville School District;" each of whom, with the treasurer and clerk of said board, shall be sworn to discharge their duties with fidelity.

Oath of office.

General powers of board.

§ 4. Said board shall have the exclusive control over the school lands, funds and other means of said district for school purposes, and shall have full power to do all acts and things in relation thereto; to promote the end herein designed, may sell or lease said lands or other lands or property which may have been or may hereafter be donated, purchased or designed for school purposes in said district, on such terms, for cash or credit, and such time as they may see proper; they shall have full power to receive conveyances or donations, and to make the necessary deeds or leases of lands; and all conveyances by the board shall be signed and acknowledged before some competent officer by the president and secretary of said board: *Provided, however,* that no sale or lease of land for more than one year shall be made without the concurrence of said board of education. A majority of the directors, with or without the president, shall constitute a quorum for the transaction of business, and in the absence of the president, they may appoint one of their own body president *pro tempore*. The president shall only vote in case of a tie, when he shall have a casting vote.

Proviso.

President pro tem.

§ 5. Said board shall have full power to buy or lease

sites for school houses, with the necessary grounds there-
 for; to erect, hire or purchase buildings for school houses,
 and keep them in repair; to furnish schools with necessary
 books, fixtures, furniture, apparatus, and library or libra-
 ries; to establish, conduct and maintain a system of graded
 schools, to be kept in one or more buildings in said district;
 to supply the insufficiency of school funds for the payment
 of teachers, and other school purposes and expenses, by
 school taxes, to be levied and collected as hereinafter pro-
 vided; to determine the number, make the appointment
 and fix the amount of compensation of teachers within
 said district, and to appoint a general superintendent of
 schools, prescribe his duties and fix his salary: and to ap-
 point all other agents and servants, and fix their pay:
Provided, that the said directors shall in no case receive
 any compensation except such as may be determined and
 fixed by the city council; to prescribe the studies to be
 taught, and books to be used, including maps, charts, globes,
 etc.; to lay off and divide said districts into smaller
 districts, and to alter the same, or erect new ones at pleas-
 ure; to pass by-laws, rules and regulations to carry their
 powers into complete execution, and for the government
 of their own body, their officers, agents and servants; and
 providing for their meetings and adjournments, and gen-
 erally to have and possess all power and authority neces-
 sary for the proper establishment and control of an effective
 system of graded schools within said district; and they
 shall visit each and all the schools therein as often as may
 be necessary.

§ 6- It shall be the duty of said board of education, and
 they shall have full power to determine the amount of
 money needed and to be raised for school purposes, over and
 above the amount from the school funds hereinbefore enu-
 merated, or from other sources: *Provided*, said board shall
 not for any one year require to be raised more than one
 per centum for the benefit of said schools, on the assessed
 value of the real and personal property of said city for each
 year, without a majority of the voters of said city authorize
 them to do so, at an election to be held for that purpose at
 such time, and conducted as the board may direct, nor shall
 said board or said city council make any loan whatsoever
 for school purposes, without a previous authority by such
 vote; but with the concurrence of a majority of such voters,
 it shall be lawful to raise such sum either by taxation or
 loan, as said board may see proper; and before the first day
 of August of each year, they shall determine the amount
 required to be collected by taxation for expenditure for one
 year from the first day of January the next ensuing, for
 school purposes generally, and certify the amount to the
 city council of Jacksonville.

Powers of board
 Libraries.
 Teachers.
 Superintendent
 Proviso.
 School books.
 By-laws and
 rules.
 School system.
 Duties of the
 board.
 Shall estimate
 amount requi-
 red for school
 purposes.

School taxes.

§ 7. It shall thereupon be the duty of the city council to levy said sum or so much thereof, as they may deem necessary, on all the real estate and personal property of said city, according to the assessment and valuation thereof, for the current year, equally, by a certain rate per centum, and collect the same as city taxes are collected. A special column shall be prepared in the city duplicate, headed "school purposes" in which shall appear the amount of tax for school purposes, chargeable against each parcel of real estate, or amount of personal property, and when said taxes are collected, the treasurer shall keep a separate account of the same, and they shall be used and applied for school purposes only, and shall be paid only on the order of said board.

Tax for school purposes.

Abstract of children.

§ 8. It shall be the duty of the board to cause an abstract of the whole number of children under the age of twenty-one years, within said district, to be made, and furnish the same with such further information as is required in sections 36 and 79, of an act to establish and maintain a system of free schools, approved February 16th, 1847, to the school commissioners of Morgan county Illinois, within ten days after the same shall have been ascertained, and and the school commissioner shall pay annually to the said board for the exclusive use of said district, the amount the district is entitled to receive from the funds that are or may be in his hands, subject to distribution for the support and benefit of the schools in said county, in accordance with the provisions of the free school law now in force, the same as if no special charter had been conferred upon the schools of the city of Jacksonville.

City council may borrow money.

§ 9. The city council of the city of Jacksonville are hereby vested with full power to borrow such sums of money, being subject to the restrictions contained in the seventh section of this act, as they may deem necessary for school purposes in said district, at a rate of interest not exceeding ten per centum per annum, which may be made payable semi-annually at such place as may be agreed upon, and the money when so borrowed, shall be placed under the control of the board of education.

Treasurer and clerk.

§ 10. The treasurer and clerk of the city of Jacksonville, shall be the treasurer and clerk of the board of education, and the board shall determine their duties, compensation and amount of security to be given.

Funds to be loaned.

§ 11. Said board shall cause all funds not needed for immediate use, to be loaned at the rate of ten per cent. per annum, payable semi-annually in advance. No loan shall be made for a longer period than five years, and if exceeding one hundred dollars, shall be secured by unencumbered real estate of at least double the value of the loan, without estimating perishable improvements. For any sum of one

hundred dollars and under, good and satisfactory personal security may be taken.

§ 12. All notes and securities shall be to the board of education, for school purposes, and the borrower shall be at all expenses of examining titles, preparing and recording papers. Securities.

§ 13. In settling the estates of deceased persons, debts for school purposes shall be preferred to all others, except those attending the last illness of the deceased, and his funeral expenses, including the physician's bill. Preference of school debt.

§ 14. If default be made in the payment of interest, or of the principal when due, interest at the rate of twelve per cent. per annum on the amount due shall be charged from the default, and may be recovered by suit. Suit may be for the interest only, whether the principal be due or not, and if the interest be not paid within ten days after the same becomes due, the principal at the option of the holder of the note shall thereby become due, and may be recovered by suit if necessary. Default of payment.

§ 15. All judgments for principal or interest or both, shall draw interest at the rate of ten (10) per cent. from the rendition of judgment, and said board may purchase in property sold on execution or decrees in their own favor, as in cases. No judgment for costs shall be rendered against said board, to be paid out of the school funds. Judgment.

§ 16. If the security for any loan or other debt due the school district, in the judgment of the board becomes doubtful or insecure, they shall cause the debtor to be notified thereof, and if he shall not immediately secure the same to the satisfaction of the board, the principal and interest shall thereby become due immediately, and suit may be brought against all the makers of the note, although such condition or stipulation be not inserted in the note. Notice to debtor.

§ 17. The board of education shall be appointed, one in each ward of said city, by the city council, by a majority vote or ballot, and no person shall be appointed unless a householder, and a resident of said ward for which he is appointed, and each shall serve and hold their office for the term of one year from the date of their said appointment. Board to be appointed by ballot.

§ 18. All officers under this act shall hold their offices until their successors are appointed and qualified; removal from his ward by any director, shall vacate his office, and whenever a vacancy shall occur in the office of director, the city council of Jacksonville shall supply the same upon notice thereof by the clerk of said city, which appointment shall be for the unexpired term only. Vacancies

§ 19. Said board of education shall publish annually the statement of the number of pupils instructed the preceding year, the several branches of education pursued, the receipts and expenditures of each school, specifying the sources of such receipts and the object of such expenditure. Annual statement.

Powers of board § 20. Said board shall have the power to admit persons who do not reside within said district into said school upon such terms as may be agreed.

White children to be admitted. § 21. All free white persons over the age of five years and under the age of twenty-one years, residing within said district, shall be admitted to said school free, or upon the payment of such rates of tuition as the board shall prescribe, but nothing herein contained shall prevent persons being suspended, expelled or kept out of said school altogether for improper conduct.

Colored children. § 22. There shall be maintained at least one school for colored children, to be under the control of the board.

Purchasing or leasing ground. § 23. In purchasing or leasing grounds or buildings for school purposes, said board of education may do so on credit, and when the price and condition of the purchase or lease is agreed upon, the board may certify the same to the city council of Jacksonville, and the city council shall make or cause to be made to the proper party the bonds or obligations of said city, for the payment of the purchase money according to said terms, or said board may execute in their own name said contract, bond or obligation, and they shall be binding upon said city: *Provided*, a majority of the city council shall consent to the same; and the city council shall provide for the payment of the same and the interest thereon as it becomes due, as though they were executed by the city of Jacksonville, and under her corporate seal.

Proviso.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Survey of city. § 1. The city council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered in consecutive numbers from one (1) upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance, and such plat, designation and numbers when made and duly recorded shall be a good and valid description of said blocks, lots or fractional blocks; to establish, mark and declare the boundaries and names of streets and alleys, to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks streets or alleys already laid out or as they may be hereafter changed and established within the city.

Street commissioner. § 2. The street commissioner in addition to the penalty prescribed by ordinance, shall for willful neglect of duty be liable to indictment and fine.

Remission of fine. § 3. Neither the city council or mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city or release from confinement, unless two-thirds of all the aldermen elected shall vote for

such release or remission, nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction by indictment or otherwise.

§ 4. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting, there be present as large a number of aldermen as was present when the vote was taken.

Vote of city council—how rescinded.

§ 5. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Cemetery lots

§ 6. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment, or forfeiture, for a violation of its provisions, shall, after its passage thereof, be published three days, when there is a daily paper published in said city, otherwise once in a weekly paper: *Provided*, the proof of such publication shall not be necessary unless it is denied under oath, and such publication may be dispensed with entirely in cases of emergency, by the unanimous vote of the council; and proof of such publication by the affidavit of the printer or publisher of such newspaper taken before any officer authorized to administer oaths and filed with the clerk, or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Publication of ordinance.

Proof of publication.

§ 7. All actions brought to recover any penalty or forfeiture incurred under this act or any ordinance, by-law, or police regulation, made in pursuance thereof, may be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine, or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it, or the defendant may be tried by presentment in the circuit or magistrate's court.

Actions for recovery of penalties.

§ 8. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

§ 9. Any justice of the peace in said city shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law, or police regulation, anything in the laws of this state to the contrary notwithstanding; such justice shall have power to impose fines and penalties not exceeding one hundred dollars.

Jurisdiction

Execution.

§ 10. Execution may issue immediately on rendition of judgment, and the same execution shall require that if the defendant has no goods, chattels, or real estate, within the county of Morgan whereof the judgment can be collected, that the defendant be arrested and confined in the county jail, or work-house, or city prison, for a term not exceeding six months, as the council by ordinance may determine; and all persons who shall be committed under this section shall be confined one day for each one dollar of such judgment and costs; all expenses incurred in the prosecution for the recovery of any fine, penalty or forfeiture, when collected and paid into the city treasury.

Term of imprisonment.

§ 11. No person shall be rendered incompetent as a judge, justice, witness or juror by reason of his being an inhabitant or freeholder in said city of Jacksonville in any action or proceeding in which the city may be a party in interest.

Old ordinances to be valid.

§ 12. All ordinances, regulations and resolutions, now in force in the town of Jacksonville, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect.

§ 13. All rights, actions, fines, penalties and forfeitures in suits or otherwise, which have accrued shall be vested in and prosecuted by the corporation hereby created.

Real property vested in the corporation.

§ 14. All property, real, personal, or mixed, belonging to the town of Jacksonville, is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

Ordinances shall be evidence.

§ 15. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof hereof, which shall be required until denied under oath, as aforesaid.

Additions.

§ 16. The style of all ordinances shall be: "Be it ordained by the city council of the city of Jacksonville."

§ 17. Any tract of land adjoining said city which may be laid out into blocks or lots and duly platted, according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

Former valid acts.

§ 18. This act shall not invalidate any legal act done by the president and trustees of Jacksonville, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liabilities which may have accrued to or been created by said corporation prior to the passage of this act.

Power to make arrests and to confine prisoner.

§ 19. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have

power to arrest or cause to be arrested, with or without process; all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, to detain such persons in custody over night, or the Sabbath, in the watch house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Other powers.

Digest of ordinances.

§ 20. There shall be a digest of the ordinances of the city which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

Public act.

§ 21. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage and publication in Jackson-ville.

Justice of the peace:

§ 22. There shall be allowed to said city one or more justices of the peace, as hereinbefore provided; and their jurisdiction shall extend to all causes of action at common law, or by statutes, where the plaintiff's demand shall not exceed one hundred dollars, and to all cases of misdemeanor committed within the city limits of said city, where indictment is not necessary to a conviction.

§ 23. This act is hereby declared to be a public act, and to take effect from and after its passage.

APPROVED February 15, 1867.

AN ACT to create ward number five in the city of Morris.

In force February 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that portion of the territory of the city of Morris, in the county of Grundy, and state of Illinois, lying north of the Illinois and Michigan canal and west of the east branch of Nettle Creek, be and is hereby created into a ward in said city, which shall be denominated the "Fifth Ward," and an alderman shall be elected in said ward at the next election in said city of Morris, in the same manner as is provided by the charter of said city, and shall be possessed of the same powers as other aldermen are possessed by virtue of the charter of said city of Morris.*

Denomination of.
Election of alderman.
Powers of, etc.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb. 18, 1867. AN ACT to reduce the charter of the city of Cairo, and the several acts amendatory thereof, into one, and revise the same.

Be it enacted by the People of the State of Illinois, represented in the General Assembly :

ARTICLE I.

Corporate name SECTION 1. The inhabitants of all that district of country in Alexander county, and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be and they are hereby constituted a body politic and corporate, by and under the name and style of the "City of Cairo;" and by that name shall have perpetual succession, and sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; take and hold, purchase, lease and convey such real, personal or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid; improve and protect the same, and do all other things in relation thereto as natural persons may or can do.

City limits. § 2. The corporate limits and jurisdiction of the city of Cairo shall embrace and include within the same, sections 22 (twenty-two) and 23 (twenty-three), and sections 24 (twenty-four), 25 (twenty-five), 26 (twenty-six), 27 (twenty-seven), 35 (thirty-five) and 36 (thirty-six), in township 17 (seventeen) south, and range 1 (one) west of the third principal meridian, together with whatever territory may be between said sections or parts of sections and the middle of the main channels of the Ohio and Mississippi rivers.

Wards. § 3. The city of Cairo shall be and is hereby divided into four wards as follows:

First ward. *First.*—All that part of the city which lies south and east of the centre line of west seventh street and south and east of that line produced, to the middle of the main channel of the Mississippi river, and south and east of the centre line of seventh street, and south and east of that line produced to the middle of the main channel of the Ohio river, shall be and is hereby established as and denominated the "First Ward."

Second ward. *Second.*—All that part of the city which lies between the first ward, as herein and hereby established, and the centre line of twelfth street, and that line produced to the middle of the main channels of the Ohio and Mississippi rivers, shall be and is hereby denominated the "Second Ward."

Third ward. *Third.*—All that part of the city which lies between the second ward, as herein and hereby established, and the centre line of seventeenth street, and that line produced to the middle of the main channels of the Ohio and Mississippi rivers, shall be and is hereby established as and denominated the "Third Ward."

Fourth.—All that part of the city which lies between the third ward, as herein and hereby established, and the north half of sections 22 (twenty-two) and 23 (twenty-three), in township 17 (seventeen) south, of range 1 (one) west of the third principal meridian, shall be and is hereby established as and denominated the "Fourth Ward." Fourth ward.

§ 4. The city council shall have the power to alter the boundaries of the wards of the city, and may create additional wards and fix the boundaries thereof, as they may see fit—in these changes regard being had to the number of white inhabitants, so that each ward shall contain, as near as may be, the same number of white inhabitants. Change boundaries.
Additional wards.

ARTICLE II.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen. City council.

§ 2. The board of aldermen shall consist of twelve members, to be elected as hereinafter provided, and shall hold their offices for two years and until the election and qualification of their successors. Aldermen.

§ 3. No person shall be an alderman, unless, at the time of his election, he shall have resided one year within the limits of the city and for thirty days in the ward for which he shall be elected, and shall be, at the time of his election twenty-one years of age, a freeholder in said city, and a citizen of the United States. Qualifications of aldermen.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, or shall cease to be a freeholder in said city, his office shall be thereby vacated. Removal from the ward.

§ 5. The six aldermen heretofore elected, under and by virtue of the city charter of the city, approved February 11, 1857, and the several acts amendatory thereof, and whose term of office extends to the 10th day of March, A. D. 1868, shall continue in office as such aldermen until said last mentioned date; and at the first annual election of city officers, provided for by this act, and annually thereafter, there shall be elected six other aldermen, for the term of two years each, so that half of the aldermen elected shall be chosen annually and at least one from each ward. Present aldermen to continue in office.

§ 6. The city council shall judge of the qualification, election and returns of its members, and shall determine all contested elections. Council to judge of its own members.

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; and penalties for non-attendance at meetings may be imposed. Quorum.
Nonattendance.

§ 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly Rules of proceedings.

conduct, and with the concurrence of two-thirds of the members elected, expel a member or declare his seat vacated; but if such alderman be re-elected to fill the vacancy occasioned by his expulsion, he shall not be again expelled for the same offence.

Journal.

§ 9. The city council shall keep a journal of its proceedings and publish the journal of the proceedings of each meeting within one week after the holding of the same; which publication shall be made by printing in some newspaper in said city, or by posting written or printed copies of the said journal for one week in four of the most public places in said city. The "ayes and nays," when demanded by any member present, shall be entered on the journal of proceedings.

Vacancies.

§ 10. All vacancies that shall occur in the board of aldermen shall be filled by a new election, to be provided for by ordinance.

Oath of office.

§ 11. The mayor, each alderman and all the other city officers, before entering upon the duties of their respective offices, shall take and subscribe an oath that they will support the constitution of the United States and of this state and the provisions of this charter, and that they will well and truly perform the duties of their office to the best of their skill and abilities, and that they possess all the qualifications required by this act, and are not subject to any of the disqualifications thereby imposed.

Tie vote.

§ 12. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in the presence of the board of aldermen, or in such manner as shall be provided by ordinance.

Stated meetings

§ 13. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance; and the mayor or any two aldermen may call special meetings by giving written notices to each of the members of the city council, served personally or left at their usual places of abode.

What members
may not do.

§ 14. No member of the city council shall, during the period for which he was elected, receive any compensation for his services, nor be appointed to any office under the city, or be a contractor for or an employee of the city, in any capacity whatever, during the time for which he was elected.

Mayor.

§ 15. The mayor, when present, shall preside at all meetings of the city council; but in the absence of the mayor the city council may elect a temporary chairman.

City clerk.

§ 16. The city clerk, to be elected as hereinafter provided, shall make and keep a record of the minutes of the city council, and shall attend their meetings for that purpose. In case of the absence of the city clerk, the city council may appoint a clerk *pro tem*.

§ 17. All officers, agents and servants of the city, whose election by the qualified voters of the city is not provided for by this act, shall be appointed by the mayor, by and with the advice and consent of a majority of all the members elected to the city council; and all votes taken upon the confirmation of such appointments, shall be by ballot, at a regular meeting of the city council or at a meeting in whole or in part, for that purpose.

ARTICLE III.

OF THE CHIEF EXECUTIVE AND OTHER OFFICERS.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States and a freeholder in said city.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be thereby vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be provided by ordinance.

§ 5. Whenever an election for mayor shall be contested the city council shall determine the same in such manner as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election, to be provided for by ordinance.

§ 7. The mayor shall, before he enters on the duties of his office, in addition to the oath prescribed above for a member of the board of aldermen, swear or affirm, that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall preside over the meetings of the city council, and shall take care that the laws of the state and ordinances of the city are duly enforced, respected and observed within the limits of the city, and that the other officers of the city discharge their respective duties. He shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city, and shall countersign all warrants or orders for

Officers and agents.

Qualifications of mayor.

Removal of mayor.

Tie vote for mayor.

Contested election.

Vacancy.

Mayor's oath.

Duties of mayor.

Salary of mayor

the payment of money drawn on the city treasurer, in pursuance of any city ordinance or resolution. He shall be paid a salary, to be fixed by ordinance, not exceeding fifteen hundred dollars a year, which shall be in full compensation of all official services of any description imposed upon him by this act or any ordinances of the city.

City officers.

Term of office.

§ 8. There shall be a city clerk, city attorney, city treasurer, who shall be, *ex officio*, city collector, and a city marshal; all of whom shall be elected by the qualified voters of the city, and shall hold their offices for the term of one year, and until their successors shall have been elected and qualified; and, in addition to the duties prescribed by this act, they shall perform such other duties as may be prescribed by ordinance.

Comptroller and assessor.

Term of office.

§ 9. There shall also be a city comptroller, a city assessor, and three commissioners, which said commissioners shall constitute a board of public works; all of whom shall be appointed by the mayor, by and with the consent and advice of a majority of the whole number of members elected to the city council, and shall hold their office for the term of one year, except as herein otherwise provided for, and until their successors shall have been duly appointed and qualified; and, in addition to the duties prescribed by this act, they shall perform such other duties as may be prescribed by ordinance.

Other officers and agents.

§ 10. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance. Such officers to perform such duties as may be prescribed by ordinance. These and all such other executive officers, excepting the mayor, but including the commissioners of public works, shall give such bonds as the city council may direct.

City clerk.

§ 11. The city clerk shall keep the corporate seal, and all records, papers, and books of the city, not properly belonging to any other office. He shall attend all meetings of the city council, and keep a full record of their proceedings, and shall cause the same and all ordinances to be published as required by law. He shall likewise draw all warrants on the city treasurer in pursuance of any ordinance or resolution of the city council, and act as secretary for the board of public works.

Attorney.

§ 12. The city attorney shall attend to and perform all professional services incident to his office, and, when required, shall furnish written opinions upon questions and subjects submitted to him by the mayor, or the city council or its committees, or the board of public works.

Treasurer.

§ 13. The city treasurer shall receive and keep the money of the city, and pay out the same on warrants drawn in pursuance of city ordinances or resolution, and shall keep his accounts of receipts and expenditures in such a manner as to show the exact state of the accounts of the city;

which accounts shall always be open to inspection and examination by the mayor or any member of the city council.

§ 14. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines and forfeitures, and he shall possess the power and authority of a constable by common law or the statutes of the state. City marshal.

§ 15. The city assessor and city comptroller shall perform the duties hereinafter prescribed, and such other duties as may be prescribed by ordinance. Assessor and comptroller.

§ 16. The three commissioners of public works, herein provided for, shall be appointed on the first Monday in April, A. D. 1867, or at the first general or special meeting of the city council thereafter, and one shall hold his office for one year and one for two years and one for three years; and, annually thereafter, one of said commissioners shall be appointed to serve for three years and until his successor shall be appointed and qualified, or until his removal from office, as hereinafter provided for. The commissioners shall be residents of and owners of real estate in the city. Said board shall appoint some competent and scientific person as civil engineer to said board, who shall be styled the "City Engineer," and pay him such salary as the city council may direct. The engineer so appointed shall be removable at any time, at the pleasure of the board of public works. Commissioners of public works.

§ 17. It shall be the duty of the city engineer to perform all the civil engineering required by the board of public works, in the prosecution of all public improvements committed to their charge, and to do such other surveying and engineering as may be directed by the board or by the city council. He shall receive for his services such salary as the city council shall direct, and shall possess the same powers in making surveys and plats within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all his plats and surveys made by him as such engineer as are or may be given by law to the acts, plats and surveys of county surveyors. City engineer.

§ 18. The said board of public works shall have charge and control and superintendence of all works upon the streets, avenues, highways and public grounds in said city; of all filling, grading, leveling, paving, planking or repairing the same; of the construction and repairs of all sidewalks and crosswalks; of the erection of all public buildings and of lamps and lights for the lighting of the streets or avenues; of the construction and repairs of all sewers and the works pertaining thereto, and of all works, buildings and machinery for draining the city, and of the Board of public works.

Duties and powers.

Proviso.	construction and work of public improvements of every description, to be hereafter undertaken by the city: <i>Provided</i> , that all such works or improvements be first authorized by ordinance of the city council. A majority of said board shall constitute a quorum to do business, and they shall keep a record of all their acts and doings, and shall keep and preserve copies of all contracts, estimates, receipts, profiles, and the papers of the board, and the contracts, estimates, plans, profiles, and papers connected with work already done on the streets of the city shall be deposited with said board for safe keeping and reference. The commissioners of said board of public works, or such of them as may be necessary, shall act as commissioners to make special assessments for improvements whenever the same may be ordered by the city council; said assessments to be returned by them to the city council and action taken thereon in the same manner as is provided for assessment lists made by the city assessor.
Quorum.	
Record.	
Assessments for improvements	
Who shall not be interested in contracts.	§ 19. No member of the board of public works, nor any officer of said city shall be, directly or indirectly, interested in any contract, work or business, or the sale of any article, the price or consideration of which is paid from the city treasury, under the penalty of immediate removal from office; and all contracts made by said board of public works in which any member or officer of said board shall be interested, shall, at the option of the city, be declared utterly void and of no binding effect whatever. If any appointed officer shall become so interested, he shall be dismissed from office immediately by the mayor, and on the mayor becoming satisfied that any elected officer is so interested, he shall immediately suspend such officer and report the facts to the city council, and if, by a two-thirds vote of said council, he be found so interested, he shall be dismissed from office.
Dismissal from office.	
Two-thirds vote	
Vacancy.	§ 20. Vacancies in the board of public works, or in any of the offices provided by this act or any ordinance, may be filled as the city council may by ordinance direct, and any commissioner of public works who ceases to possess the qualifications required by this act, or any of them, or becomes subject to any of the disqualifications thereby imposed, shall be deemed thereby to have vacated his office.
Officers shall reside within the city.	§ 21. The mayor and all other officers of the corporation shall reside within the limits of the city during their continuance in office, and if the mayor or any other officer of the corporation shall cease to reside within the limits of the city, his office shall be thereby vacated.
Absence of mayor.	§ 22. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be

the mayor *pro tem.*, until the return of the mayor to the Mayor *pro tem.* city, or the election of his successor.

§ 23. He shall have power, whenever he may deem it necessary, to require of any of the officers of the said city an exhibit of his books and papers. Exhibit of books, etc.

§ 24. In case the mayor shall at any time be guilty of palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his office, he shall, in addition to the penalties already imposed by law for like offences, be liable to be indicted in the court of common pleas of the city of Cairo, or in the circuit court of Alexander county, and, on conviction, he shall be fined not more than one hundred dollars, and the court shall have power, on recommendation of the jury, to add to the judgment of the court that he be removed from office. Malconduct of mayor.

§ 25. No person shall be eligible to any office in said city who is now or may hereafter be a defaulter to said city, or to the state of Illinois, or to any city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession by virtue of his office; and if any person holding any such office or place within the city shall become a defaulter whilst in office, the office or place shall thereupon become vacant. Removal from office.

§ 26. All persons elected or appointed to any office under this act shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and city clerk. Qualifications for city officers.

ARTICLE IV.

§ 1. A general election for all the officers of the corporation, required to be elected by this act, shall be held on the last Tuesday of February in the year A. D. 1867, and every year thereafter. Commissions.

§ 2. Of the first election under this act five days' notice shall be given by the city clerk or mayor, if no longer notice can be given, and in such notice the places of voting shall be designated, but all subsequent elections shall be held in such places and at such times and in such manner as the city council may appoint, of which ten days' previous notice shall be given by the city clerk by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city: *Provided*, that for the said first election the registers used at the last general charter election may be taken as the register of the voters of the several wards in the city. Annual election.

Notice of election.

Registers.

Election returns.	§ 3. The manner of conducting and voting at the elections held under this act, and contesting the same, of keeping the poll lists, registering and canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: <i>Provided</i> , the city council have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot and the judges of election shall take the same oath and shall have the same powers and authority as the judges at general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk within three days after the election, and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.
Vote by ballot.	
Oath.	
Returns.	
Who shall be elected.	
When to qualify	
Who may vote.	§ 4. All residents of the city qualified to vote at general elections in the state of Illinois, and who shall have been actual residents of the ward in which they propose to vote for thirty days previous to such election, shall be entitled to vote at all the elections under this act.
Place of election.	§ 5. No election shall be held in any grogshop or other place where intoxicating liquors are vended by retail.
No civil arrest during election.	§ 6. The persons entitled to vote at any election held under this act shall not be arrested on civil process within said city upon the day on which said election is held, and all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

ARTICLE V.

Taxes.	§ 1. The city council shall have power: <i>First</i> —To levy and collect taxes upon all property, real and personal, within the city, made taxable by law for state purposes, not exceeding one-half of one per centum per annum upon the assessed value thereof, to defray the contingent and other expenses of the city, not otherwise provided for; which taxes, together with the moneys arising from licenses and from all other sources, and not otherwise specially herein appropriated, shall constitute the general fund; also, to levy and collect upon all such property taxes not exceeding one-half of one per centum upon the assessed value thereof, to defray the costs and expenses of making improvements upon the streets, avenues and public grounds of the city not otherwise provided for, including expenses
General fund.	
Improvements.	

for public sewers, pumps and drainage, which taxes shall constitute the improvement fund. The city council shall also levy and collect upon all such property a tax of one-quarter of one per centum, which may be increased by the city council to not exceed one-half of one per centum upon the assessed value thereof, to be applied to the payment of interest on bonds of the city issued and negotiated, or to be hereafter issued and negotiated for improvements and other purposes, which taxes shall constitute the interest fund, which shall be set apart and exclusively used, or so much thereof as may be necessary for the payment of interest on the bonded indebtedness of the city, or for the creation of a sinking fund for the redemption of the same: *Provided*, the outstanding city orders shall be received in payment of any indebtedness to the city, which when paid would become a part of either the general or improvement fund: and, *provided, also*, that any surplus in the general fund may be transferred to the improvement fund, as the city council may direct: and, *provided, also*, that the money now in the grocery license fund shall be placed to the credit of the interest fund herein created.

Sewers and pumps.

Interest on bonds.

Interest fund.

Sinking fund.

Improvement fund.

Interest fund.

Borrow money.

Limit of city debt.

Second.—To borrow money on the credit of the city, and to issue bonds, scrip or certificates therefor: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than ten per centum per annum, nor shall the aggregate of all sums borrowed and outstanding ever exceed the amount of one-third of the assessed valuation of all the taxable property, real and personal, of said city: and, *provided*, that the aforesaid bonds and interest on the same may be made payable in such place or places as the city council may designate.

Third.—To appropriate money, and to provide for the payment of the debt, interest and expenses of the city.

Fourth.—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city.

Contagious diseases.

Fifth.—To establish hospitals, and make regulations for the government thereof.

Hospitals.

Sixth.—To make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

General health.

Seventh.—To provide the city with water, to erect such reservoirs, hydrants, fire plugs and cisterns, either within the city limits or beyond the boundaries thereof, as shall furnish to the inhabitants a plentiful supply of water, and for the extinguishment of fires; and for the purposes of this section the city council may levy and collect a direct tax upon all the property of the city.

Provisions against fires.

- Streets, etc. *Eighth.*—To establish, grade, pave, plank and improve, clean and keep in repair streets, avenues, lanes, alleys, public squares and grounds.
- Bridges and sidewalks. *Ninth.*—To establish, construct and keep in repair bridges, culverts, sewers, sidewalks, crosswalks and footways, and regulate the use and construction of the same, and abate and remove any obstructions thereon; to establish, alter and change the channel of water courses, and to wall them up and cover them over.
- Water courses. *Tenth.*—To provide for lighting the streets and erecting lamps thereon.
- Lighting the streets. *Eleventh.*—To establish, support and regulate night watch and patrols.
- Night watches. *Twelfth.*—To erect market houses, establish and license markets and market places, and provide for the government and regulation thereof, or to abolish and remove the same.
- Markets. *Thirteenth.*—To provide for the erection of all needful buildings for the use of the city.
- Buildings. *Fourteenth.*—To provide for inclosing, improving and regulating all public grounds belonging to the city.
- Public grounds. *Fifteenth.*—To improve and preserve the navigation of the Ohio and Mississippi rivers within the city, and to remove obstructions thereon.
- Navigation. *Sixteenth.*—To erect, repair and regulate public wharves and docks, and to collect wharfage therefrom, and to license, tax, regulate or suppress wharf boats.
- Wharves. *Seventeenth.*—To regulate the stationing, anchorage and mooring of vessels within the city.
- Vessels. *Eighteenth.*—To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns and insurance agents, and to license, tax, regulate and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers, bankers and money changers.
- Sundry licenses. *Nineteenth.*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property.
- Hacks and wagons. *Twentieth.*—To license and regulate porters, and fix the rates of portorage, and to license, tax, regulate or suppress hotel, steamboat and other runners.
- Porters. *Twenty-first.*—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.
- Runners. *Twenty-second.*—To license, tax and restrain, prohibit and suppress billiard tables, nine or ten pin alleys, ball alleys, tippling houses and dram shops, and to suppress gaming and gambling houses and other disorderly houses, and to suppress bawdy houses.
- Theatres and shows. *Twenty-third.*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also, to regulate, restrain and prohibit the erection
- Games. *and to suppress bawdy houses.*
- Bawdy houses. *Fires.*

of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactures dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire or in the preservation of property exposed to the dangers of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses and buildings, and stairs or ladders leading to the same.

Wooden build-
ings.

Fire wardens,

In case of fire.

Scuttles.

Ladders.

Chimneys.

Twenty-fourth.—To regulate and order the cleaning of chimnies, and to fix the fees thereof, and to regulate the fixing of stove-pipes and flues.

Twenty-fifth.—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible, inflammable or explosive materials, and the use of lights and candles in all stables, shops and other places; to remove or prevent the construction of any fireplace, hearth, chimney, stove, oven, boiler, kettle or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severally to enter into, or to appoint one or more officers at reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in a safe and secure condition.

Gunpowder and
other combus-
tibles.

Twenty-sixth.—To regulate and prescribe the manner of and order the building of partition and parapet walls and of partition fences.

Partition walls.

Twenty-seventh.—To establish standard weights and measures and to regulate the weights and measures to be used in the city, and in all cases not otherwise provided by law.

Weights and
measures.

Twenty-eighth.—To provide for the inspection and measuring of lumber and other building materials.

Lumber.

Twenty-ninth.—To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood, and all other fuel to be used in the city.

Hay and fuel.

Thirtieth.—To provide for and regulate the inspection of tobacco, cotton, beef, pork, flour, meal, oil, whisky, and other spirituous liquors, in barrels, hogsheads, and other vessels, and all other articles of commerce: *Provided*, that nothing in this act shall be so construed as to authorize the inspection of any article enumerated in this act which is to be shipped beyond the limits of this state, except at the request of the owner or owners thereof, or of the agent having charge of the same.

Inspection of
merchandise.

Proviso.

- Butter and lard. *Thirty-first.*—To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and suppress hucksters.
- Bread. *Thirty-second.*—To regulate the weight, quality and price of bread to be used and sold in the city.
- Bricks. *Thirty-third.*—To regulate the size of bricks made or used in the city.
- Census. *Thirty-fourth.*—To provide for taking an enumeration of the inhabitants of the city.
- Elections. *Thirty-fifth.*—To regulate the election of all elective city officers and provide for removing from office any person holding an office created by this act or by ordinance not otherwise provided for, and impose fines and penalties on all such officers for neglect or malfeasance in office.
- Officers and agents. *Thirty-sixth.*—To provide for the appointment of all officers, servants and agents of the corporation not otherwise provided for.
- Compensation and fees. *Thirty-seventh.*—To fix the compensation of the city officers and provide for the payment of the same, and regulate the fees of all the jurors, witnesses and others, for services rendered under this act or any ordinance, or in the court of common pleas of the city of Cairo.
- City police. *Thirty-eighth.*—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of any such fines and forfeitures, and the enforcement of such penalties.
- Thirty-ninth.*—To regulate and license all ferries within the limits of the city.
- Sidewalks and curbstones. *Fortieth.*—To remove all obstructions from the sidewalks, and to provide for the construction and repairs of all sidewalks and curb stones, and for the clearing of the same, and of the gutters.
- Riots. *Forty-first.*—To prevent any riot, noise, open indecencies, disturbance or disorderly assemblages in any street, house or place in the city.
- Encroachments. *Forty-second.*—To prevent and remove all encroachments into and upon all streets, lanes, avenues and alleys, established by law or by ordinance.
- To control the city property. *Forty-third.*—To exercise complete and perfect control over all property belonging to the city, real and personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of either absolutely or with limitation to any person or persons whatsoever, and generally to make, pass, publish, amend and repeal such rules, regulations, by-laws and ordinances as may be necessary or proper to carry into effect the powers granted by this act, not repugnant to the constitution or laws of this state, and also to enforce the observance of all such rules, ordinances and regulations, and to punish violations thereof by fines and penalties; but

no fine or penalty shall exceed five hundred dollars for any one offence, and such fine or penalty may be recovered with costs, in an action of debt, in the name and for the use of the city, before any court having jurisdiction, and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof, may be imprisoned in the city jail, or be required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Action for costs

Imprisonment.

Forty-fourth.—To direct and control the construction and laying of railroad tracks, bridges, turnouts and switches, in the streets and alleys within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as not to interfere with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require all railroads located upon any of the streets, avenues, alleys or highways of said city to plank, pave, ballast or macadamize the track or tracks of any such road, to keep the same graded to a level with the grade of the streets, avenues, alleys or highways of the city upon which any such railroad may be located, and to prohibit the standing of freight cars, passenger cars, engines and locomotives, upon any of the streets, avenues or highways of said city upon which any railroad may be located; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets, alleys and ditches, sewers and culverts, when the city council shall deem necessary; direct and regulate the speed of locomotive engines within the city; to prohibit and restrain railroad companies from doing a storage, warehouse or reshipping business for hire or pay, and from selling goods, wares or merchandize, upon their grounds or depot premises, or to receive compensation for the forwarding of goods.

Railroad tracks, etc.

Prohibitions to railroad companies.

Forty-fifth.—To prevent any person from bringing into and burying dead bodies within the limits of the city.

Burials.

Forty-sixth.—To regulate, prevent and prohibit the use of fireworks and the discharge of firearms, except in defense of the person or property, and except by any military company or assemblage of citizens at some public celebration.

Fireworks and firearms.

Forty-seventh.—To license, regulate and prohibit butchers and to revoke their licenses for malconduct in the course of trade.

Butchers.

Forty-eighth.—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the cost of proceedings and the penalties

Running at large of cattle horses, etc.

incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

Dogs. *Forty-ninth*.—To regulate, license, or prohibit the running at large of dogs and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Police. *Fiftieth*.—To regulate, establish and create the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Licenses. § 2. The city council shall have exclusive authority within the limits of the city to license groceries, beer shops and saloons, and all places for the sale of vinous, spirituous and fermented liquors; and all sums of money which may be received for grocery and all other licenses, shall be paid into the city treasury for the use of the city: *Provided*, no license shall be granted for a longer period than one year, and no license for the sale of spirituous, vinous or fermented liquors shall be issued for a less sum than seventy-five dollars.

Proviso. § 3. The city council shall have power to keep the streets, lanes, avenues and alleys in repair, and to require all male inhabitants in said city of twenty-one years of age, and not over fifty, to labor upon said streets, lanes, avenues or alleys, not exceeding three days in each and every year, and any person failing to perform such labor when duly notified by the supervisor or other officer, shall forfeit and pay not exceeding one dollar per day for each day so neglected or refused.

Road labor. § 4. The city council of the city of Cairo shall have power and authority to restrain and punish vagrants, mendicants, street beggars and all other persons offending against the public health, morality and peace of said city, or using language or guilty of conduct calculated to provoke a breach of the same.

Vagrants, etc. § 5. The city council of said city shall have power from time to time to cause any street, avenue or highway, or a portion of any street, avenue or highway, in said city to be filled, refilled, graded, leveled, paved, planked, graveled, macadamized or repaired, and to alter and change the grade of the same, and to cause sidewalks and crosswalks to be constructed, reconstructed and repaired on said streets and avenues; and to erect lamp posts and lamps thereon, and to assess and collect the expense and cost of the same, together with the expense of collection from the real property benefited thereby, to the extent of the benefit so conferred by such improvement, the balance of the cost of such improvement to be paid out of the improvement fund; said assessment and collection to be made as the city council may by ordinance direct: *Provided*, the owners of two-thirds of the lots fronting or abutting on said improvements shall petition for the same, or said improvements shall be ordered by a majority of all the members

Filling streets.

Grading.

Lamps.

Expenses of improvements.

Assessments.

Proviso.

elected to the city council: *And also provided*, that the owner or owners of any lot fronting or abutting on said improvement shall have the right for thirty days after the publication of the ordinance of the city council authorizing the same, to fill, grade, pave or plank the street or avenue, or construct or repair the sidewalk in front of his or their own lot or lots, to the satisfaction of the board of public works, and receive appropriate credit therefor. The city council may cause the improvements in this section authorized to be made and paid for out of any money in the treasury at their disposal, and afterwards cause the expense thereof, with the cost of collection, to be reimbursed by a special assessment as in other cases; and where such improvements have been already made and paid for in whole or in part by the city, the expense thereof may be reimbursed by similar special assessments.

Owners of lots.

May them-
selves con-
struct, etc.Improvements
to be made and
paid for.Reimburse-
ment of ex-
penses.

§ 6. The city council shall have power to prevent horse racing, immoderate riding or driving in the streets or avenues, and to authorize persons immoderately riding or driving, as aforesaid to be stopped by any person; also to punish or prohibit the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the streets or avenues; and to control, regulate or prohibit the use of steam whistles within the limits of the city.

Horse racing
and fast driv-
ing.Abuse of ani-
mals.

Steam whistles.

§ 7. No improvement shall be ordered involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

Expenditures
to be ordered
by ordinance.

§ 8. Every ordinance or resolution which shall have been passed by the city council shall, before it becomes a law, be presented to the mayor for his approval; if he approve, he shall sign it, if not, he shall return it with his objections to the board, which objections shall be entered at large on the journal, and the bill reconsidered.

Mayor's ap-
proval.

Veto.

§ 9. If, after such reconsideration, a majority of all the members elected to the board shall agree to pass the same, it shall become a law.

Reconsidera-
tion.

§ 10. In all cases where an appropriation of money is made, and upon the final passage of all ordinances, the vote shall be taken by yeas and nays, and entered on the journal of the board.

Ayes and noes.

§ 11. All ordinances shall be presented by the city clerk to the mayor for his approval within five days after their passage, and if they shall not be returned by the mayor to the city clerk in five days, (Sundays excepted,) after they shall have been presented to him for his approval, the same shall become laws in the same manner as if he had approved and signed them; or in case of the absence of the mayor, and a failure of the city council to appoint a mayor *pro tem*, said ordinances shall go into effect and be-

Five days given
for approval.

- Ordinances in force after five days. come laws in five days after the return of the mayor and the presentation of such ordinances to him for approval.
- Publication of ordinances § 12. All ordinances passed by the city council shall, within five days after their approval by the mayor, or a failure to approve the same, as provided for in the preceding section, be published by printing in a newspaper published and circulated in the city of Cairo, or by posting up printed or written copies of the same in four of the most public places in said city; and said ordinances shall not go into effect until ten days after such publication.
- When in force. § 13. All the ordinances of the city may be proven by the seal of the corporation, attested by the officer having charge thereof, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.
- Proving ordinances. § 14. All ordinances shall have two readings at length on separate days in the city council, before their passage.
- Two readings. § 15. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Cairo."
- Style of ordinances.

ARTICLE VI.

- Form of assessment lists. § 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper or expedient.
- Annual returns. § 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in May in each year, but the time may be extended by order of the city council. On the return thereof the mayor shall fix a day for hearing objections thereto before the city council, and the city clerk shall give notice of the time and place of such hearing by publication in the newspaper publishing the ordinances of the city, or by other notices posted in four public places in the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections in writing thereto. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.
- Objections. § 3. When the assessment lists have been corrected and revised the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof shall be made by the city council, together with an ordinance or resolution, levying such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied,
- Notice. in
- Objections writing. the
- Correcting the assessment lists. assessment
- Council to issue warrant for taxes. lists.

not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council, under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and for two years thereafter, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate in case of a removal or when the taxes can not be made out of the personal estate, in the same manner as prescribed by the laws of the state: *Provided*, that in case the collector of any assessments shall be delayed by judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Taxes a lien on real estate.

Order for assessment.

Modes of enforcing the payment of taxes

Proviso.

Continue a lien.

§ 5. The city clerk shall issue a warrant or warrants for the taxes, and prepare a duplicate of the assessment lists, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Duplicate lists.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and city clerk, with the corporate seal thereto attached, and shall be accompanied by true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit, in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for ten days in the newspaper printing the ordinances of the city, or posted up in four public places in the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessment lists shall in all cases be evidence on the part of the city.

Warrant to be signed and sealed.

Collector shall collect taxes.

Proviso.

What shall be deemed a refusal to pay.

§ 7. All taxes and assessments, general or special, may be collected by the collector in the same manner and with the same power and authority, as is given by law to collectors of county and state taxes, or for the collection of city

Powers of collector.

- taxes, and assessments under the act entitled an act to amend the charters of the several towns and cities in this state, approved March 1, 1854, and the right of redemption shall exist in all cases and to the same extent as now allowed by law. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law in case of county collectors: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors, by ordinance.
- Redemption** § 8. All sales shall be conducted in the manner required by law; but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the county clerk of Alexander county, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right of redemption will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The county clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times, and he shall be allowed such fees as are now allowed by law for similar services.
- Proviso.**
- Manner of making delinquent tax sales.**
- Certificates of sale**
- Collector's fees.**
- Redemption.** § 9. In case of redemption, the money may be paid to the purchaser, or for him to the county clerk, who shall make a special deposit thereof with the city treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser under the corporate seal, signed by the mayor and countersigned by the city clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered, shall be entered by the county clerk in the book wherein tax sales are recorded.
- Execution of a deed.**
- Assignee of tax certificate.** § 10. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.
- In case of no bid, then the land to be struck off to the city.** § 11. If at any sale of real estate for taxes or assessments, no bid shall be made for any parcel of land the same shall be forfeited to the city, and shall be carried for-

ward by the city clerk upon the tax book of the next succeeding year, as in cases of sales for state and county purposes.

§ 12. All deeds made to purchasers of lots sold for taxes or assessments shall be *prima facie* evidence in all controversies and suits in relation to the rights of the purchaser, his heirs and assigns, to the premises thereby conveyed, of the following facts; *First*, that the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed at the time and in the manner required by law. *Second*, that the taxes or assessments were not paid at any time before the sale. *Third*, that the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts: *First*, that the land or lot was advertised for sale for the length of time and in the manner required by law. *Second*, that the land was sold for taxes or assessments as stated in the deed. *Third*, that the grantee in the deed was the purchaser. *Fourth*, that the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claimed title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state, after the sale, and that all taxes due upon the lands have been paid by such person or persons, under whom he claims title as aforesaid.

Tax deeds shall be prima facie evidence.

Manner of sale, etc.

Title to land.

§ 13. Appeals may be taken from any assessment made by the city assessor to the city council by any tax payer who is aggrieved by any assessment, and in like manner each tax payer within said city shall have the right to appeal to the circuit court from any final order of the city council made touching or concerning assessments or collections of taxes within said city; *Provided*, said appeal shall be prayed and perfected within ten days, as is now required by law in cases before justices of the peace.

Appeals.

Provido.

ARTICLE VII.

Citizens exempt
from road labor
outside the city
limits.

§ 1. The inhabitants of the city of Cairo are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers upon the same.

Report of re-
ceipts and ex-
penditures.

§ 2. The city council shall cause to be published, semi-annually, on the first Mondays of July and January, a full and complete statement of all moneys received and expended by the corporation during the preceding six months, and on what account received and expended, and also a full and complete statement of the financial condition of the city.

Suits and ac-
tions.

§ 3. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Cairo.

Appeals to the
circuit court.

§ 4. Appeals shall be allowed from the decision in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Alexander county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

Arrests without
process.

§ 5. All officers of the city created conservators of the peace by this act or authorized by ordinance shall have power to arrest or cause to be arrested with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of the city, commit for examination, and if necessary detain such persons in custody over night or the Sabbath, in the watch house, city jail or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Action to recov-
er fines.

§ 6. All actions brought to recover any penalty or forfeiture incurred under this act or by any ordinance, by-law or police regulation, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Summons.

§ 7. In all prosecutions for any violation of any ordinance or by-law or other regulation, the first process shall be a summons unless oath or affirmation be made for a warrant as in other cases.

Execution.

§ 8. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the city of Cairo whereof the judgment can be collected the defendant may be confined in the city

jail for a term not exceeding six months, in the discretion of the court rendering judgment, and all persons who may be committed under this section, shall be confined one day for each dollar of such costs and judgment, all fines penalties or forfeitures, when collected, shall be paid into the city treasury.

Judgment.

Costs.

§ 9. Neither the city council nor mayor shall remit any fine or penalty imposed upon any person for the violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate or remove nuisances by indictment or otherwise.

No remission of fines.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified.

Reconsidering a vote.

§ 11. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Cairo, in any action or proceeding in which said city may be a party in interest.

Competency of witnesses.

§ 12. All ordinances or resolutions passed or adopted by the city council of said city and now in force, and not inconsistent with the provisions of this act, shall continue in force until altered or repealed by ordinance.

Ordinances in force.

§ 13. All acts or parts of acts inconsistent with the provisions of this charter, are so far as they conflict with the same hereby repealed.

Repeal.

§ 14. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Public act.

APPROVED February 18, 1867.

AN ACT to amend the charter of the city of Shelbyville, and vacate certain alleys in said city.

In force February 19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the act incorporating the city of Shelbyville, approved February 16, A. D. 1863, be amended as follows: That in all places in said act, where the word "president" or the words "president of the city council" in relation to the presiding officer of the city council of said city, occur, the same be changed to the word mayor, and that said officers shall have all the power and jurisdiction that is now conferred on him by law or that may hereafter be conferred under the provisions of this act.*

Act approved February 16, 1863, amended.

Jurisdiction of
mayor.

§ 2. That the mayor of the city of Shelbyville shall have jurisdiction of all offences arising under the charter and ordinances of said city, and shall have power and authority to fine for any offence committed against the ordinances of said city, and in default of the person or persons so fined, paying the same, said mayor shall have power and authority to commit such person or persons to the common jail of Shelby county, or to the city prison or calaboose of said city of Shelbyville, until such fines and costs are fully paid: *Provided*, that in all cases before the mayor, arising as aforesaid, appeals shall be allowed to the circuit court of Shelby county, in the same manner as in similar cases before justices of the peace.

Powers and
authority of

Extension of
corporate limits
of the city.

§ 3. That the corporate limits of the city of Shelbyville be, and the same are hereby for certain purposes, extended two miles in every direction from the southeast corner of lot number one (1) in block number ten, (10) in the original town of Shelbyville, and the city council of said city shall have power within such limits to make all necessary regulations to secure the health of the inhabitants of said city; to declare what is a nuisance, and to prevent and remove the same; to license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers, pawnbrokers, theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gaming houses, bawdy and other disorderly houses; to suppress gaming of all kinds, billiard tables, pigeon hole tables, roulette tables, jenney lind tables, bagatelle tables or any kind of table or board upon which games are played or practiced, and to have such other powers and authority to regulate the public affairs over the territory within the boundary aforesaid, as to prohibit by ordinance, all acts of indecency, immorality, fighting, quarreling, challenging to fight, making loud and unusual noises, so as to disturb the peace and quiet of the inhabitants within said described boundaries.

Powers of city
council.

Calaboose.

Object and pur-
pose of.

§ 4. That the city council of said city are hereby authorized and empowered to erect and maintain a calaboose or city prison, for the use of said city, and to provide by ordinance that when any person or persons who shall be found drunk or intoxicated within the limits of said city, the city marshal shall have full power and authority to arrest such person or persons, and to lodge him her or them in such calaboose or the common jail of said county, until he she or they shall become duly sober, when it shall be the duty of the marshal aforesaid, to take such person or persons before the mayor of said city, there to be dealt with and punished as provided by the ordinances of said city.

Special assess-
ments.

§ 5. The city council shall have power to levy and collect a special assessment on the owner or owners of lots or parts of lots on any street, lane, avenue or alley in said

city, levied for the purpose of grading, paving, filling side-walking, filling up streets, alleys, lanes or avenues and lighting the same, and for any other necessary improvement thereof, and keeping the same in repair, to be collected in the same manner as ordinary taxes of the city: *Provided*, said assessments shall not exceed in value the cost of the work or the benefit or benefits such owner or owners may derive from the making of the improvement aforesaid over and above that which is enjoyed by him, her or them in common with the public.

§ 6. That in all cases in taking private property as provided by the act to which this is an amendment, for the purpose of assessing benefits derived from or to be derived from the making of public improvements as provided by this act, the mayor shall issue a venire for a jury of twelve men to be summoned by the marshal of said city. Such jury shall be first duly sworn and shall estimate only the value of the property to be taken or the benefit to be enjoyed as provided by this act, and having determined the same shall return their inquest under their hands and seals to the mayor of said city, who shall notify such person or persons, whose property is to be taken or who is charged with the benefits as aforesaid, if such owner or owners reside within the limits of said city, and in case of non-residents, by posting up written or printed notices thereof, in three public places in said city, and by publishing the same for three consecutive weeks in the official newspaper or newspapers of said city, and if such owner or owners fail to appear before the city council at their next regular meeting after the returning of said inquest and object to such inquest, then the same shall be confirmed by said council; and in case said owner or owners shall appear and object to such inquest, then the same shall be heard and determined by the city council, and all assessments or benefits shall be placed upon the tax books of said city and collected with the other taxes thereof: *Provided*, that no land or other property, belonging to any person or persons, shall be taken by said city until said assessment is paid or placed in some safe deposit for the use of such owner or owners.

§ 7. And that the alleys running east and west in block number eight (8) and in block number fourteen (14) in Crane and Stephenson's addition to the city of Shelbyville, and the alley running east and west in block number twelve (12) in Thomas Lewis' addition to the city of Shelbyville, be and the same are hereby, for the benefit of all the owners in said blocks vacated.

§ 8. That this act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

APPROVED February 19, 1867.

Taking private property for public purposes.

Vacated alleys described.

In force Feb.
21, 1867.

AN ACT to amend the charter of the city of Macomb.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four (4) of article thirteen (13) of said city charter (except that part thereof which entitles said city to its *pro rata* share of the stock of any railroad company, as provided for in said section) be, and the same is hereby repealed: *Provided, however,* that nothing herein contained shall be construed to affect or in any way impair any existing right, exemption or liability accrued or incurred, under or by virtue of said section.

Section 4 re-
pealed.

§ 2. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

In force Feb'y
21, 1867.

AN ACT repealing section third of an amendatory act, approved February 13, 1851, entitled an act to amend the act incorporating Jacksonville.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three (3) of an amendatory act, approved February 13, 1851, entitled an act to amend the act incorporating Jacksonville, be, and the same is hereby repealed, and the assessments made upon all lands within the corporate limits of the town of Jacksonville, for the year 1866, is hereby declared to be legal, and the collector of said town is hereby authorized to collect the same, in the same manner, and with like authority, as in the cases of other taxes assessed in said town.

Acts repealed.

Assessments
made in 1866,
to be legal.

§ 2. This act to take effect from and after its passage.

APPROVED February 21, 1867.

In force Feb. 21,
1867.

AN ACT to amend the charter of the city of Lincoln.

BOUNDARIES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the city of Lincoln shall be and are hereby so extended as to embrace and include within said city and subject to its jurisdiction and to its charter and ordinances the following additional lands and territory, to-wit: The east half of the northeast quarter of section

Boundaries.

twenty-six (26), and the north half of section twenty-five (25), all in township twenty (20) north, range three (3) west of the third (3d) principal meridian; also the north half of section thirty (30), in township twenty (20) north, range two (2) west of the third (3d) principal meridian, in Logan county, Illinois.

ELECTIONS.

§ 2. At each annual election provided for in the first section of chapter three of the charter of said city, there shall be elected, in addition to the officers mentioned in the second section of said chapter three, and in the manner therein provided, a city attorney, street commissioner, clerk and marshal, whose powers and duties shall be the same as provided for in the said city charter. Elections.

§ 3. So much of section five of chapter two or any provision of the city charter as requires all officers of the city or persons elected to office under the provisions of the charter of the city of Lincoln, to be qualified voters at city elections, shall not be held to apply to the office of city engineer; but the city council of said city may appoint any person to fill said office of engineer, who may be a citizen of the United States and who shall have resided in this state one year previous to his appointment to said office. Officers to be elected.

ADDITIONAL POWERS.

§ 4. That in addition to the powers conferred by the charter of said city, the city council shall have power, within the jurisdiction of said city, by ordinance— Powers.

First.—To suppress, restrain, abate or prohibit within said city and within two miles of the limits thereof, disorderly houses, tippling shops and groceries, bawdy houses, houses of ill-fame, gambling houses, and all riotous and disorderly assemblages. Disorderly houses, gambling houses, etc.

Second.—To suppress and punish vagrancy; to define what acts shall constitute vagrancy, and who shall be deemed vagrants.

Third.—To regulate all cemeteries or burying grounds within the city or within two miles of the city limits, and to punish by fines, penalties or imprisonment, all persons who shall trespass upon or desecrate the same, or violate the provisions of any ordinance in relation thereto in the same manner as if the offence were committed within the city. Cemeteries.

Fourth.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches, shall be so constructed and laid as to interfere as little as possible with the ordinary travel and Railroad tracks bridges, etc.

use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts, when the city council shall deem it necessary.

SEWERS.

Sewers.

§ 5. That for the purpose of establishing a system of sewerage and drainage, the city council shall have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage by sewers and drains, for the whole city, and number and record the same.

Regulations for the construction of drains, etc.

§ 6. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains, or said city council shall have the discretionary power to construct such drains and sewers, and levy and collect said tax without such petition, when by the city council it may be deemed necessary; which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may, from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts, or the city council may apportion the estimated costs of such drains and sewers and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment, shall be repealed or altered until the debt created thereby shall have been paid.

Rubicon water course and other drain, etc

§ 7. The city council of said city shall have power to sewer the water course known as the Rubicon, or any other natural drain or water course in said city, and for that purpose may alter, change and straighten the channel of the same, and said city, by its officers or agents, shall have power for the purpose of laying out or constructing such sewer, to enter upon any real estate owned by any private

persons, through or adjoining which such sewer may be laid out and constructed, and may deposit and keep material thereon for such purpose, in such manner as not unnecessarily to obstruct or incommode the use of such real estate by the owner thereof.

§ 8. Before proceeding to construct such sewer, the city council shall cause a survey of said Rubicon, or other water course or natural drain to be made, and a plat to be made out and recorded in the office of the city clerk, showing the line of such proposed sewer and the lands, lots or real estate through or adjoining which the same will run; and if the amount of the damages or benefits arising from the construction of such sewer, through or adjoining such lands, lots or real estate, can not be agreed upon, the city council shall cause the damages to such real estate arising from the construction of such sewer through or adjoining the same, and the costs and expenses of the construction of such sewer to be assessed against the lots and real estate through or adjoining which said sewer may run, which may be benefited thereby; and for the purpose of ascertaining such damages and benefits, the city council shall, by a vote of a majority of all the members elected, choose by ballot three disinterested freeholders and residents of the city as commissioners to ascertain and assess the damages and compensation to be paid to the owners of the lots and real estate through or adjoining which such sewer may be constructed, and at the same time to determine what lots or real estate will be benefited by the construction of such sewer, through or adjoining the same, and assess the damages caused by the construction of such sewer and the cost of constructing and building the same, against the lots and real estate benefited thereby, as near as may be, to the benefits resulting to each lot or tract.

§ 9. The commissioners, before entering upon the discharge of their duties, shall take an oath before some officer authorized by law to administer the same, that they will faithfully and impartially perform and discharge their duties to the best of their skill and abilities; and before proceeding to make their assessments shall give at least ten days' notice to all owners of lots or real estate through or adjoining which such sewer may run, of the time and place of their meeting, for the purpose of viewing such lots or real estate and making their assessments. Such notice shall be given personally, where the owners of the lots and real estate are residents of the city and known, and by publication in the newspaper publishing the ordinances of the city where such owners are non-residents of the city or unknown.

§ 10. The commissioners, upon the day appointed for making their assessments, shall meet at the time and place appointed, and shall proceed to view the lots or real estate,

Survey to be made.

Costs and expenses.

Benefits and damages.

Commissioners' duties and oath.

Evidences.

through or adjoining which such sewer may run, and may, in their discretion, receive any legal evidence which may be adduced in relation thereto, and may, if necessary, adjourn from day to day; and having ascertained the damages and benefits, the lots and real estate through or adjoining which such sewer may run, arising from the construction of such sewer, the commissioners shall apportion and assess the damages, together with the costs and expenses of the construction of such sewer against the lots and real estate by them deemed benefited by the construction of such sewer through or adjoining the same, in proportion, as near as may be, to the benefits resulting from such improvements to each lot or tract. When the commissioners shall have completed and revised their assessments, they shall sign and return the same to the city council without delay.

Apportion and assess damages, —

Completion and revision. § 11. When the commissioners shall have returned their assessments to the city council; the city clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, stating that such assessment has been returned to the city council, and will be confirmed by the city council on a day to be specified in such notice, unless objections are made thereto by some person interested in the same. The city council shall hear such objections as may be offered, and the hearing thereof, may, if necessary, be adjourned from day to day. The city council may confirm or annul the assessments, or refer them back to the commissioners for correction, amendment or otherwise. If the assessments shall be annulled, all the proceedings shall be void; if confirmed, an order of confirmation and approval shall be entered. If the assessments shall be referred back to the same or other commissioners to make the assessments anew, they shall proceed to give the same notices and make their assessments and returns the same, in the same manner in all respects as is herein required in relation to the first assessment; and all parties interested shall have the same rights, and the city council shall perform the same duties and have the same powers in relation to any subsequent assessment, as are herein prescribed in relation to the first.

Publication of returns.

Objections.

Confirmations.

Made anew.

Rights.

Approval, etc. § 12. When the assessments of the commissioners shall have been finally confirmed and approved by the city council, the city council may, by the passage of an ordinance or resolution, to be entered in full upon the journals by the city clerk, levy and assess the amounts of such assessments against the lots and real estate upon which the same is assessed by the commissioners, and direct that a warrant issue for the collection of the same; and such warrant may be collected by sale of the lots or real estate against which said assessments are made, in the manner provided in this act for the collection of taxes and assessments; and such assessments shall be a lien in the manner provided in

the 46th section of this act. Such assessment may also, at any time after the approval and confirmation thereof, be collected of the owner of the lot or real estate against which the same is assessed, and recovered by suit in the name of the city, as for money paid and laid out for his use at his request, before any court having jurisdiction. The ordinance or resolution of the city council levying such assessments, shall contain a correct list and description of the lots and real estate, with the name of the owner thereof, if known, and with the amount assessed against each tract, lot or premises set opposite thereto.

Recovery by
suits, etc.

§ 13. The city council may remove the commissioners appointed under this act, and, from time to time, appoint others in place of such as may be removed, or neglect, or refuse, or are unable from any cause to serve.

Removal.

§ 14. Any person interested may appeal from the final order of the city council confirming and approving such assessment to the circuit court of Logan county, by filing with the circuit clerk of Logan county a good and sufficient bond, to be approved of by the said clerk, in at least treble the amount of the assessment or assessments sought to be appealed from, at any time within twenty days after the passage of such final order, but not thereafter. Upon filing such bond with the circuit clerk, the clerk shall issue a *supersedeas* enjoining the city council from proceeding any further in the collection of such assessment or assessments, and suspending all proceedings in relation thereto, and shall issue a summons to the city of Lincoln, to be served on the mayor and clerk thereof, to appear at the term of the court to which the appeal is returnable; which summons shall be served and returned as in other cases. So soon as said circuit clerk shall issue a *supersedeas*, as aforesaid, the city council shall suspend all further proceedings with respect to such assessments, and the city clerk shall within twenty days after the service of said appeal summons, or sooner if required by the city council, file with the clerk of said circuit court a properly certified copy of all the records and proceedings in his office with respect to such assessments; and upon the trial of the appeal, all questions involved in said proceedings, including the amount of damage and benefits, shall be open to investigation by affidavit or oral testimony, adduced to the court; and upon application of the city, or any other party interested, the amount of damages and benefits may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly.

Appeals.

§ 15. When any known owner of any lot or real estate, or other person having an interest in the same, residing in said city or elsewhere, shall be an infant or lunatic, and any proceedings shall be had under this act in any way affecting such lot or real estate, the judge of the county court of Logan county may and it is hereby made the duty of such

Infants or lunatics.

judge, upon application of the city council of said city, or of such infant, or of the next friend of such infant or lunatic, to appoint a guardian or conservator for such infant or lunatic, taking security from such guardian or conservator for the faithful execution of such trust, and all notices and process required by this act shall be served upon such guardian or conservator.

Costs and ex-
penses.

§ 16. For defraying the remainder of the costs and expenses of such sewer along said Rubicon or other water course or natural drain, after the payment of the special assessments levied upon the lots and real estate benefited thereby, in the manner herein required, the city council of said city shall levy a special tax, in the manner prescribed in the sixth section hereof, upon all the real estate which may be situated and embraced in such sewerage district as may be established by said city council; but the city council of said city may defray a portion of the costs of the construction of such sewer, not exceeding one-third of such costs from the general revenues of the city.

Powers of city
council per-
taining to
sewers, drains,
etc.

§ 17. The city council shall have power, if they shall so desire, to sewer the water course known as the Rubicon, or any other natural drain or water course in the city, by sections. The power is hereby expressly conferred to lay off said Rubicon or other natural drain or water course, into as many sections and sewer districts as to said council may seem proper; and to build a sewer in any of said sections and sewer districts in pursuance of the provisions of this act; and when any other sewer or drain in said city shall be laid out or constructed through or adjoining any real estate belonging to private persons, and the amount of the damages and benefits arising from the construction of such sewer or drain through or adjoining such lots and real estate, can not be agreed upon, the city council shall cause the damages to such real estate arising from the construction of such sewer or drain through or adjoining the same, and the costs of the construction of such sewer or drain to be assessed against the real estate through or adjoining which such sewer or drain may run and which may be benefited thereby, in the manner prescribed in the eighth and subsequent sections hereof, and for defraying the remainder of the costs and expenses of such sewer or drain, after the payment of the special assessments levied upon the real estate benefited thereby, in the manner herein required. The city council of said city shall levy a special tax, in the manner prescribed in the sixth section of this act, upon all the real estate situated and embraced in such sewerage district as may be established by said city council.

SURVEYS, ADDITIONS, ETC.

§ 18. The city council of said city may cause the re-survey of said city, or of any addition thereto, and may correct any errors which may be found in the original surveys of the same; and may cause all lands and real estate within the city to be surveyed and correctly described by metes and bounds, or otherwise, or designated by numbers, so as to be properly assessed for taxation; and may regulate the re-numbering of the blocks and lots of the city, and the numbering of the lots, blocks, or lands not already numbered, or which may hereafter be laid out or subdivided; and may cause maps or plats of such lands, blocks or lots to be made and recorded, and the number or other designation of such lands, lots, or blocks, upon such maps or plats, shall be a good and valid description thereof in all conveyances, assessments, or tax lists, or other proceedings.

Surveys.

§ 19. The city council shall have power to adopt a plan for the laying out and platting of all additions which may be made to the city, or of subdivisions of land lying within the city, or within one-half mile of the limits thereof, so as to establish regularity and uniformity in the streets and highways of the city and vicinity; and to require that all additions and subdivisions which may be so laid out or platted to conform to such plan. And no map or plat of any addition to said city, or of any subdivision of lands lying within the same, or within one-half mile of the limits thereof, shall be entitled to record, or shall be recorded in the office of the recorder of Logan county until the same shall have been approved by the city council of said city; and all such additions or subdivisions shall be null and void, unless a correct plat or map thereof shall be approved by the city council of said city before the same is filed for record.

Additions.

OPENING STREETS.

§ 20. The city council shall have power, to open and lay out public grounds or squares, streets, alleys and highways; and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway, nor unless at least three-fourths of all the aldermen of the city vote therefor. The city council shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required

Streets, alleys
and highways.

to be taken ; and the same when opened and made, shall be public highways and public squares.

§ 21. Whenever any street, alley, or highway, public ground or square is proposed to be laid out, opened, altered, widened, or straightened, by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice for two weeks in the newspaper publishing the ordinances of the city, at the expiration of which time they shall choose by ballot three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due to the owners of said real estate respectively, and at the same time to determine what persons shall be benefited by such improvement and assess the damages and expenses thereof on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting from each. A majority of the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners.

Oath of commissioners.

Notice.

§ 22. The commissioners shall be sworn faithfully and impartially to execute their duties ; they shall give at least five days' notice to all persons interested, of the time and place of their meeting for the purposes of viewing the premises and making their assessments ; which notice shall be given personally if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings, appraisement, etc.

§ 23. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their appraisement, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Manner of giving notice to owners.

§ 24. At least five days' notice shall be given to the owner, of such determination, when known and a resident of the city, which may be given personally or in writing left at his usual place of abode. If a non-resident or unknown, like notice to all persons interested shall be given, by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear, by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to receive

Awards.

such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Removal of
building.

§ 25. If the owner refuses to take the building at its appraised value to remove, or fails to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Refusal of owner.

Proceeds of
sale.

§ 26. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof; which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the buildings (if the property of the owner of the land) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

Assessments.

§ 27. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the appraisement may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collected of or paid to them.

Damages and
benefits.

§ 28. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the improvements.

Lien or mortgage.

§ 29. Having ascertained the damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the city council within thirty days of their appointment.

Apportionment

§ 30. The clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city

Notice.

Confirmations.

council unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled all the proceedings shall be void; if confirmed, an order of confirmation shall be entered directing a warrant to issue for the collection thereof; if referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner and give like notices as herein required in relation to the first. And all parties interested shall have the like notice and rights; and the city council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

Collections.

§ 31. When the commissioners appointed for assessing the damages and benefits for making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, shall have reported their assessment of damages and benefits to the city council, and the city council shall have approved the same, such assessment may at any time thereafter be collected of the owner of the lot, land or premises against which the same is assessed, and recovered by suit in the name of the city before any court having jurisdiction, or the city council may by the passage of an ordinance or resolution, to be entered at length upon the journal of their proceedings by the city clerk, levy and assess the amount of such assessment against the land, lot or premises against which the same is assessed by the commissioners, and direct that a warrant issue for the collection of the same; and such warrant shall be collected by the sale of the lands, lots or premises against which such assessments are made in the manner provided for the collection of other taxes and assessments under the provisions hereof; and such assessment shall be a lien upon the premises the same as other assessments for revenue purposes under the provisions of this act. The ordinance or resolution of the city council levying such assessment shall contain a correct list and description of the lands, lots or premises, with the name of the owner thereof, if known, and with the amount assessed against each tract of land, lot or premises set opposite thereto.

Warrant to be issued.

List and description.

Payment of damages, etc.

§ 32. The commissioners appointed to assess the damages for making, opening, widening, straightening or altering any street, alley, or highway, or public ground, or square, when all the proceedings shall have been completed, and the damages paid or tendered to the owners of the land taken in the manner required by law, shall, by deed, convey to the city the lands, lots or real estate so taken; and such deed shall vest such lands and real estate

in the city for the use of the public, and shall be conclusive evidence that all proceedings were in conformity with the provisions of this act, the charter and ordinances of said city.

§ 33. The city council shall have power to remove commissioners, and from time to time, appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve.

Removal of
commissioners

§ 34. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case any such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit, other than the hands of the treasurer; and then, and not until then, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys and other highways or public grounds may be made and opened.

Condemned
property.

Owner or agent.

§ 35. When the whole of any lot or parcel of land or other premises under lease, or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of the report of the commissioners respectively cease, and be absolutely discharged.

Covenants,
contracts, etc,

§ 36. When part only of any lot, parcel of land or other premises so under lease or contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the commissioners shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments reserved, payable and to be paid for, or in respect to the same, shall be so apportioned as that the part thereof justly and equitably payable for such residue thereof, and no more shall be paid or recoverable in any respect of the same.

Agreements
and engage-
ments.

Residue.

§ 37. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley or other highway or public ground to the circuit court of Logan county, in the same manner and within the same time as provided for appeals in the fourteenth section hereof; and the city clerk shall file with the clerk of said circuit court a duly certified copy of all the records and proceedings with respect to such assessments as therein provided. Upon the trial of such appeal all questions involved in such proceedings, including the amount of damages, shall be open to investigation, by affidavit or

Interested per-
sons.

Amount of dam-
ages.

oral testimony adduced to the court, or upon applications of the city, or any party interested, the amount of damages and benefits may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly, from which judgment, whether by court or jury, no appeal or writ of error shall lie.

Owners to pay
for assess-
ments.

§ 38. In all cases where there is no agreement to the contrary, the owner or landlord and not the tenant or occupant, shall be deemed the person who shall, and ought to pay and bear every assessment made for the expense of any public improvement where any such assessment shall be made upon or paid by any person when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the persons bound to pay the same, the amount so paid, with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments.

Changes.

§ 39. The city council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed, for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

In case of mi-
nors.

§ 40. When any known owner or person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Logan county or the county judge of said county, may, upon the application of the city council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

Guardian.

OF TAXATION.

§ 41. The city council shall have power within the city by ordinance—

Taxes.

First.—To levy and collect annually taxes not exceeding twenty mills to the dollar on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state and county purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

Second.—To annually levy and collect a school tax not exceeding ten mills on the dollar, on all property taxable for state and county purposes, for purchasing ground for school houses, building and repairing school houses and supporting and maintaining schools. School tax.

Third.—To levy and collect taxes not exceeding five mills on the dollar per annum on all property subject to taxation, to meet the interest accruing on the debt of the city. And the city council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provisions for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable. Interest tax.

Fourth.—To annually levy and collect taxes on all property subject to taxation, when required for the erection of a city hall, markets, hospital, city prison or work-house, the purchase of market grounds, public squares or parks, or any other public improvement: *Provided*, the estimated cost of a city hall, work-house or market house may be apportioned by the city council and collected by a series of annual assessments. But the cost of market grounds, markets, public squares or other improvements may be levied and collected upon all the real estate and other property in the natural division of the city in which they are located. No local improvements under this section shall be ordered in any division of the city unless a majority of the aldermen thereof shall vote for the same. But no tax or taxes shall be levied in any one year, under this section, which shall exceed five mills to the dollar on the property assessed for any or all the purposes herein specified. The revenues arising from such market or other improvements shall be applied to the liquidating the cost thereof, and taxes shall be levied and collected to make up the deficiency. Public buildings tax.

Fifth.—To levy and collect upon all property in such district as the city council shall, from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps, and lighting the streets in such district, and the tax thus collected shall be exclusively expended for such purposes in the district paying the same. Lights tax.

§ 42. Section twelve of chapter seven of the city charter shall be so amended that the special tax therein provided for shall not exceed five mills on the dollar per annum. Special tax.

ASSESSMENT AND COLLECTION OF TAXES.

§ 43. The city council shall have power, by ordinance, to prescribe the form of assessment lists and prescribe the duties and define the power of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient. Forms of assessments.

Annual assess-
ment list.

§ 44. The annual assessment lists shall be returned by the assessor, on or before the first Monday in August in each year, but the time may be extended by order of the city council. On the return thereof the city council shall fix a day for hearing objections thereto; and the city clerk shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property may appear, at the time specified, and make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

Order for war-
rant.

§ 45. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

Taxes shall be a
lien.

§ 46. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted, or assessed for two years, from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor, may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate in case of removal, or when the tax can not be made out of the personal estate in the same manner as is prescribed by the laws of the state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Sale or transfer.

Proviso.

Injunction.

Clerk shall is-
sue warrant.

§ 47. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

§ 48. All warrants issued for the collection of general or special taxes and assessments, shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for two weeks in the newspaper publishing the ordinances of the city shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall in all cases be evidence on the part of the city.

Copies of assessment lists.

Collection of taxes.

§ 49. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the [same] power and authority as is given by law to collectors of county and state taxes. He shall pay the same as fast as collected into the city treasury, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Manner of collecting.

§ 50. In case of the non-payment of any taxes or assessments, levied or assessed under this act, on any real estate, the premises may be sold for the payment thereof at any time within two years after the confirmation of the assessment by the city council. Before any such sale, an order shall be made by the city council, which shall be entered at large in the journals or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale may be made, which order, so made by the city council, as aforesaid, shall have the same force and effect as similar orders made by county courts for the sale of delinquent lands under the laws of the state.

Non-payment of tax.

Sale of premises.

§ 51. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sales, and one publication of such notice in said newspaper shall

Advertisement of sale.

Notice to be given.

be sufficient. The proceedings may be stopped at any time, on the payment of the taxes or assessment and interest and costs. The city council shall have the power, by ordinance, to fix the publisher's fees for publishing the notices under the provisions hereof, and shall also have the power, by ordinance, to fix the fees and compensation of all officers under the provisions of this act.

§ 52. The city council shall have power, by ordinance, to prescribe the manner of conducting all sales under the provisions hereof. The sale shall be made for the smallest portion of ground to be taken from the east side of the premises for which any person will take the same, and pay the taxes and assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The clerk shall attend all sales of real estate made under the provisions hereof, and keep a record of such sales, which shall be open to public inspection at all reasonable times.

§ 53. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, representatives, creditors and assigns, to the same extent as is allowed by the laws of the state in cases of sales of real estate for state and county taxes, on payment to the city clerk, in specie or United States legal tender notes, of double the amount for which the same were sold; and all taxes accruing subsequent to the sale, which may have been paid by the purchaser and interest at ten per cent. on the subsequent taxes so paid by the purchaser. When the purchaser of any real estate under the provisions hereof shall pay any city or other taxes on the premises, accruing subsequent to the sale he shall exhibit to the city clerk his receipt for such taxes, and the clerk shall thereupon make a note thereof on the record of sales opposite to the description of the premises, of the amount thereof and date of payment; and the amount so appearing upon the record shall be conclusive evidence of the amount of subsequent taxes paid by the purchaser, and shall govern the city clerk in cases of redemption. Upon the redemption of any real estate so sold the city clerk shall execute and deliver to the party redeeming a certificate of redemption, and shall make a special deposit thereof with the treasurer, taking his receipt therefor. If the real estate of any infant or lunatic, be sold under this act the same may be redeemed at any time within one year after such disability shall be removed, but the right of *femme covert*s to redeem shall be barred the same as

other persons. If any real estate sold under the provisions hereof, shall not be redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered, by the clerk, in the book wherein tax sales are recorded.

§ 54. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser, such certificates of purchase being hereby expressly made assignable.

Assignee of tax assessments.

§ 55. If at any sale of real or personal estate for taxes or assessments no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Sale to be made to city in certain cases.

§ 56. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, under the provisions hereof, shall be *prima facie* evidence that all the proceedings respecting the assessment and collection of the taxes and assessments and sales made were regular and in conformity to the provisions of this act and the ordinances of the city council.

Deeds prima facie evidence of regularity of sales.

§ 57. The city council shall also have power to provide by ordinance any other plan or proceedings providing for the assessment, levy and collection of the different taxes authorized by this act; and shall have full power and authority to provide, by ordinance, for obtaining of judgments for delinquent taxes, and the advertisement and sale of property, real and personal, for such delinquent taxes, and the conveyance and confirmation of titles thereto, not inconsistent with the constitution of this state.

Judgments for delinquent taxes.

§ 58. The provisions of the city charter, and ordinances made in pursuance thereof, respecting the assessment and collection of taxes shall continue to be in full force and effect with respect to the taxes of the year 1866, or any previous year, anything in this act to the contrary notwithstanding.

Taxes of 1866 to be in full force.

BOARD OF HEALTH.

§ 59. The city council shall have power to annually appoint three or more commissioners, one of whom shall be an efficient practicing physician, and shall be styled "city physician," as a board of health, and the mayor or presiding

Board of health.

officer of the city council shall be president of the board, and the city clerk shall be their clerk and keep minutes of its proceedings, and any member of the city council may be a member of the board of health.

Duties of health officers.

§ 60. It shall be the duty of the health officers to visit sick persons who may be reported to them as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such person to the clerk of the board; and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed to the clerk of the board.

§ 61. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter and ought to be removed, so as not to endanger the health of the city, shall by order of the board be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board at the expense of the person to be removed, if able, and the board may order any furniture or wearing apparel to be destroyed whenever they may deem it necessary for the health of the city, by making just compensation.

Penalties for violations of regulations of board.

§ 62. The city council shall have power to prescribe the powers and duties of the board of health, and to punish by fine or imprisonment, or both, any refusal or neglect to obey the orders and regulations of the board.

Additional duties of health officer.

§ 63. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being such of the powers and perform such of the duties of the marshal or supervisor as the city council may, in their discretion, direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty under this act or any ordinance.

Duties of practicing physicians.

§ 64. Every person practicing physic in this city; who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of the board, and for neglect to do so, shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered with costs, in an action of debt, in the name of the city, in any court having jurisdiction thereof, for the use of the city.

SCHOOLS AND SCHOOL FUND.

Schools.

§ 65. All that part of township number twenty, north of range number two west of the third principal meridian, and

township number twenty, north of range number three west of third principal meridian, lying within the corporate limits of the city of Lincoln, as established by this act, with such other parts of either of said townships as may be hereafter incorporated with and come within the jurisdiction of said city, is hereby created into a common school district to be known as the "Lincoln school district."

§ 66. All school lands, school funds, and other real and personal estate, notes, bonds or obligations belonging to township number twenty, north of range number two west of the third principal meridian, and township number twenty, north of range number three west of the third principal meridian in Logan county, Illinois, held or owned for school purposes, shall be divided between the city of Lincoln and the portions of the said townships without the limits of said city, in the proportion and in the manner following, to-wit: The city council of the city of Lincoln, and the trustees of each of said townships shall, within three months from the passage of this act, appoint each one commissioner, who shall be respectable householders; the one appointed by the city council shall be a resident of the city, and the one appointed by said trustees of township twenty, in range two, to be a resident thereof, and the other to be a resident of said township twenty in range three, who, after being duly sworn well and truly to perform their duties, shall proceed to ascertain, as nearly as may be, the whole number of white persons under the age of twenty-one years residing in the whole of each of said townships, and the whole number in said city, and in each of the parts of said city, within the respective townships, and report the same to the city council and to the board of trustees of the respective townships; and thereupon the trustees of each of said townships shall select one of their number, who shall meet the mayor of the city of Lincoln at the city council room in said city within thirty days after said report shall have been made; and the two trustees so selected, together with the mayor of said city, shall then and there divide and apportion the aforesaid township fund, and real and personal estate, notes, bonds and obligations, between said city and said townships without the city, in the proportion of and according to the number of persons aforesaid residing within the city and without the city in the said townships respectively, as aforesaid; and they shall have power, and it is hereby made their duty, to make partition of and division of all the funds and real and personal estate belonging to the said townships, between the city and the portions of the townships without the city, in the proportions aforesaid, and, having completed the same, shall make a full return of their proceedings to the city council and to the trustees of each of said townships. In case the commissioners, whose appointment is provided for herein, shall

refuse or neglect to perform their duties, the trustees of said townships and said city council shall appoint others in their stead, who shall be chosen, sworn and perform the like duties assigned to the first commissioners; and said trustees and city council shall have power to fill vacancies and make appointments until the objects of this act are carried into effect.

§ 67. The trustees of schools of said townships, shall upon such division, partition and return being made, pay over and deliver to the treasurer of the city of Lincoln, the funds and other personal estate, and make, execute and deliver to the city of Lincoln, all necessary deeds and other conveyances for the distributive share of the real estate of said townships, to which the said Lincoln school district may be entitled, according to the division and distribution aforesaid.

§ 68. The commissioners appointed by the city council shall take the enumeration under the provisions hereof, within the city, and the commissioner appointed by said trustees shall take the enumeration of their respective townships without the city; and if after the commissioners appointed by the city council shall have completed the enumeration within the city, the said township trustees, or either of them, shall have failed to appoint commissioners, it shall be the duty of the mayor of said city to give the trustees so failing, notice in writing of the completion of the enumeration by the commissioner appointed by the city council, and if said trustees so failing, shall not within thirty days after
 Commissioners. such notice, appoint a commissioner or commissioners who will act, then the commissioner appointed by the city council shall proceed to take the enumeration of the township or townships whose trustees shall have so failed, and make his report as herein provided for.

§ 69. If after such commissioners shall have reported as provided for in the sixty-sixth and sixty-eighth sections hereof, either of said township trustees shall fail to elect one of their number who will meet and make partition and division as herein provided for, then the mayor of said city and the other trustees selected, shall meet at the place aforesaid, and make partition and division under the provisions hereof, and such partition and division so made shall be binding upon the city and both of said townships; and if the trustees of both of said townships shall fail or refuse to select one of their number as aforesaid, then the mayor of said city, shall on behalf of the city of Lincoln petition the circuit court of Logan county, setting forth the facts in the premises praying for a partition and division in the proportion provided for in this act; and said court shall make such order and decree as will fully carry out the objects of this act with respect to such partition and division; and may order that the master in chancery convey to the city of Lincoln such proportionable share of real estate as may seem just and proper to the court; and all the costs of

such petition, shall be paid by said township trustees out of their individual funds; and the costs of taking the enumeration under the provisions hereof shall be paid as follows: one-third by the city and one-third by each of said townships.

§ 70. It shall be the duty of the city council to cause an abstract of the whole number of white children under the age of twenty-one years, within the limits of Lincoln school district, to be made and furnish the same with such other information as is required in an act to establish and maintain a system of free schools, in the state of Illinois, as amended February 16, 1865, to the county superintendent of schools, for Logan county, within the time mentioned in said act; and the said superintendent of schools shall pay annually, to such officer of the city of Lincoln, as the city council shall by ordinance, resolution or order, direct, the proportion of all funds to which the said Lincoln school district may be entitled that are or may be in his hands, subject to distribution in accordance with the provisions of the school law now in force, and the provisions of this act; but no abstract shall be required to be returned to said superintendent of schools, oftener than is required by law in other school districts.

§ 71. The school land school fund and other property Property, etc. of the Lincoln school district, shall be vested in the city of Lincoln. The city council shall have power at all times, to do all acts and things in relation to said school fund and other property, which they may think proper to their safe preservation and efficient management, and sell or lease said lands and all other property which may have been or may hereafter be donated to the school fund, on such terms and at such times as the city council may deem most advantageous, and on such sale or lease, to make, execute and deliver all proper conveyances, which said conveyances shall be signed by the mayor or presiding officer, and countersigned by the clerk and sealed with the corporate seal; the proceeds arising from such sale, shall be under the entire custody, management and control of the city council and may add it to the school fund, and when so added it shall constitute a part thereof.

§ 72. Nothing shall be done to impair the principal of Interest. the school fund, or to appropriate the interest accruing from the same to any other purpose than the payment of teachers in the public schools of the district, and should there be any surplus of interest, it shall be carried to and form a part of the school fund.

§ 73. The city council shall have power,

First.—To erect, hire or purchase buildings suitable for Houses. school houses and keep the same in repair.

Second.—To buy or lease sites for school houses with the Grounds. necessary grounds.

Furniture and
apparatus.

Third.—To furnish schools with the necessary fixtures, furniture and apparatus.

Fourth.—To maintain, support and establish schools, and supply the inadequacy of the school fund for the payment of teachers, from the school taxes.

Fifth.—To hire, employ and fix the amount of compensation to be allowed to teachers.

Sixth.—To prescribe the school books to be used and the studies to be taught in the different schools.

Seventh.—To lay off and divide the city into smaller school districts, and, from time to time to alter the same, and create new ones as circumstances may require.

Eighth.—To classify the teachers as principals and first, second and third male or female assistants, and so on, or in such other manner as they may prescribe by ordinance.

Ninth.—The city council shall be, *ex officio*, inspectors of schools; but they may appoint as many inspectors, to be denominated "A Board of School Inspectors" as they may by ordinance provide, not less than three nor more than seven in number, also three trustees of schools in each district, and such other school officers as they may from time to time see proper; and shall also have power to establish and prescribe the powers and duties of each.

Tenth.—To take or receive in law or equity in the corporate name, and for and in behalf of "Lincoln School District," any estate, real, personal or mixed, by the gift, grant, bargain and sale, conveyance, will, demise, or bequest of any person or persons whomsoever, and the same estate whether, real, personal or mixed, to grant, bargain, sell, convey, demise or place at interest or otherwise dispose of, for the use and benefit of said Lincoln school district: *Provided*, that such donation, devise or bequest, shall be applied in conformity with the will, desire and express conditions of the donor or deviser.

Eleventh.—And generally to have and possess all the rights, powers, and authority necessary for the proper management of schools, and the school lands and funds belonging to said school district, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

§ 74. The city council shall cause all funds not needed for immediate use, to be loaned at the highest rate of interest practicable, not exceeding ten per cent. per annum, payable semi-annually in advance; and no loan shall be made for a longer period than five years, and all loans exceeding one hundred dollars, shall be secured by unincumbered real estate of double the value, at least, of the sum loaned, exclusive of the value of the perishable improvements thereon; for sums less than one hundred dollars, two good securities beside the principal shall be required.

Officers.

Gifts,
eto. grants,

Management
and govern-
ment.

Disposition
unds of

§ 75. All expenses of preparing and recording securities shall be paid exclusively by the borrower. Expenses.

§ 76. All notes and securities shall be taken to the city of Lincoln, for the use of the inhabitants of said city for school purposes; and in that name all suits, actions and every description of legal proceedings may be had. Notes and securities.

§ 77. In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill. If default be made in the payment of interest or of the principal when due, interest at the rate of fifteen per cent. upon the same, shall be charged from the person failing to pay, and may be recovered by suit or otherwise. Suit may be brought for the recovery of interest only when the principal is not due. Indebtedness.

§ 78. All judgments recovered for interest or principal or both, shall respectively bear interest at the rate of ten per cent. per annum, from the rendition of judgment until paid, and in case of the sale of real estate thereon, the city of Lincoln may become the purchaser thereof, for the use of schools, and shall be entitled to the same rights given by law to other purchasers. On redemption, ten per cent. interest shall be paid from the time of sale. Judgments.

§ 79. No costs made in the course of any judicial proceeding in which the city of Lincoln, for the use of schools, may be a party, shall be chargeable to the city. Costs

§ 80. If the security on any loan should at any time before the same is due, become, in the judgment of the city council insecure, the mayor or other officer of the city shall notify the person indebted thereof, and unless further satisfactory security be forthwith given by the debtor, judgment may be recovered thereon as in other cases, although no conditions to that effect be inserted in the note or other security. Loans.

§ 81. The city council shall annually publish, at such times as may be prescribed by ordinance, in the newspaper publishing the ordinances of the city, a statement of the number of pupils instructed in the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts and the object of such expenditures. Publication of ordinances.

§ 82. The school tax shall be paid into the city treasury and be kept a separate fund for the building of school houses and keeping the same in repair, and supporting and maintaining schools. Tax.

§ 83. No person who is not a *bona fide* resident of the city of Lincoln, shall be permitted to attend the schools within the city unless by the special permission of the city council, nor in any case unless upon the payment into the city treasury of a reasonable tuition fee. Non-residents not allowed to attend schools

Further powers
of city council.

§ 84. The city council of the city of Lincoln shall have and exercise all the powers, privileges and immunities conferred upon the board of education of Lincoln school district, not inconsistent with the provisions of this act by virtue of an act entitled "An act for the establishment of a system of graded schools in the city of Lincoln," approved February 16, 1865; and all the provisions of said act inconsistent with the provisions of this act are hereby expressly repealed: *Provided, however*, that the members of the board of education now in office, under the provisions of said act, shall continue in office until after the next annual election in said city for the election of city officers, and shall do and perform all the acts, and shall have the same powers until after said annual election as if said act had not been repealed; and all actions, rights, fines, penalties and forfeitures, in suit or otherwise, which may have accrued to said board of education, under the provisions of the act creating such board, or any contract, by-law, rule or regulation of said board, shall be vested in and prosecuted by the city of Lincoln for the use of schools; and all property, real, personal or mixed, or choses in action belonging to said board of education, is hereby vested in the city of Lincoln for school purposes; and all valid and legal debts, liabilities and obligations incurred by said board of education, shall be assumed and paid by the city of Lincoln.

MISCELLANEOUS.

Rubicon water
course.

§ 85. The water course known as the Rubicon, and all other natural drains or water courses within the limits of the city, shall not be filled up, altered or changed, except in the manner prescribed by the city council; and the city council shall have power to establish and direct and prescribe the manner of altering, changing and straightening, and to wall, fill up, culvert or sewer the same.

Compensation
of city council.

§ 86. So much of section eight of chapter eight, of the city charter as prohibits the members of the city council from receiving any compensation for their services, shall be and the same is hereby amended so as to allow the members of the city council to receive such compensation for their services as the city council may by ordinance direct: *Provided*, that no member of the city council shall receive more than two dollars for each meeting of the city council; and if any member shall be absent from any meeting of the city council, he shall not receive pay for that meeting. The mayor of said city shall receive such compensation for his services as the city council may by ordinance direct: *Provided*, that his salary shall not exceed the sum of one thousand dollars per annum.

Damages in re-
lation to side-
walks, etc.

§ 87. The city of Lincoln shall not be liable for any damages or injury arising from the bad condition of the side-

walks, streets, alleys or highways of the city, by reason of the neglect of the proper officers of said city to repair the same, until the street commissioner of said city shall have been notified thereof, and shall have failed to repair the same within a reasonable time after such notice.

§ 83. The county court of Logan county shall cause an accurate account to be kept of all expenditures made for county purposes, and shall charge all expenditures made for county purposes, excepting for the making and repairing of roads and highways and the building and repairing of bridges in said county without said city, rateably to said county, and to the city of Lincoln, in proportion to the taxes collected for county purposes within said city, and in the county without said city, and paid into the county treasury by each respectively, and the surplus of all taxes which may be collected for county purposes, after making the charges to the city and county, in the manner herein required, shall be divided between the said city and the said county, in proportion to the amount of taxes collected for county purposes within said city and in the county without said city, and paid into the county treasury by each respectively; and the county judge of said county and mayor of the city of Lincoln, shall ascertain the proportion of taxes to be paid to the city of Lincoln under the requirements of this section, and as soon thereafter as the county taxes shall be paid into the county treasury, the treasurer of said county shall pay to the treasurer of the city of Lincoln the proportion of said taxes to which the said city may be entitled under the provisions of this section, and the same shall be exclusively expended by said city in improving and repairing the streets, alleys and highways, and in building and repairing of the bridges within the city.

County court
and expendi-
tures.

Highways and
bridges.

Payment of tax
es.

§ 89. In all suits, actions and prosecutions for the recovery of any fine, penalty or forfeiture incurred under the charter or ordinances of the city, process may be issued returnable instanter, and such process shall state substantially the nature of the offence or offences charged, and the title of the ordinance and the section or sections, or clause of the charter or ordinance, under which the same is claimed, such process may be issued upon the information of the mayor, the marshal, or any police officer in his official capacity, and upon information upon oath by any other person.

Suits, actions
and prosecu-
tions.

§ 90. The city may sue and declare for several fines, penalties or forfeitures for violations of the charter or ordinances of the city, and recover judgment for as many offences as may be proven, not exceeding the jurisdiction of the court, and may prove any offence committed before the commencement of the suit.

Suits for viola-
tion of city
charter.

§ 91. The city shall not be liable for costs when the defendants are acquitted, or in any other case arising under

City to be liable
for costs in
certain cases.

the charter or ordinances of the city, and the city council may provide for the payment to the city justice of the peace and other police officers of a sum in gross in lieu of all fees and costs and charges against the city.

Forms of process.

§ 92. The city council shall have the power to prescribe the forms of process to be used in and rules of practice for the government of police courts in the city.

Change of salaries and emoluments.

§ 93. The fourth section of chapter two of the city charter is hereby so amended that the city council shall have the right to at any time change the emoluments, salaries and fees of all city officers whose emoluments shall have been fixed by the motion, order or resolution of the city council, but in all cases where the emoluments and salaries of city officers shall have been fixed by ordinance, the same shall not be changed or altered so as to affect any officer during the term of his office.

Duties of owners of sidewalks, etc.

§ 94. All owners or occupants of lots or lands in front of, adjoining, or upon whose premises the city council shall order and direct sidewalks or private drains communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such lands or lots to be nuisances and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk or make, repair or cleanse such private drain, or grade, fill up, drain, or otherwise improve such lot or land, at their own cost and charges within the time and in the manner prescribed by ordinance, order or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense thereof by an order to be entered in their proceedings, upon the lots and land respectively, and collect the same by warrant and sale of the premises as in other cases. A suit may also be maintained against the owner or occupant of such premises or other party liable therefor, in the name of the corporation in an action of debt, for the recovery of such expenses as for money paid and laid out to his use, at his request.

Assessments against real estate.

§ 95. In all cases where expenses may be incurred by the city in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section and the charter of the city; and such expenses may be likewise collected of the owner or occupant of such premises in a suit in the name of the corporation, in an action of debt for money expended to his or their use, and suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

§ 96. All acts or parts of acts in conflict herewith, are hereby expressly repealed; but all actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accrued under any provision of the city charter or ordinances of the city of Lincoln, in conflict herewith, shall not abate, but shall be prosecuted, enforced, imposed and collected, the same as if such provision or provisions of the city charter and ordinances had not been repealed, annulled or modified, and all ordinances, orders and resolutions of the city council shall remain in full force and effect until altered, modified or repealed by the city council.

Prior conflict-
ing acts to be
repealed.

§ 97. All property described in this section, and which may be within the limits of the city or belong to the city, shall be exempt from taxation of all kinds, whether state, county or municipal, that is to say—

Exemption
from taxation.

First.—All public school houses, houses used for public worship, the books and furniture therein, and the grounds attached to such buildings, necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit. All colleges, academies or other institutions of learning, all endowments made for their support, all buildings, books, furniture, and other apparatus connected with the same; also, the libraries, books, furniture and other apparatus belonging to all scientific and literary societies; also, all lands connected with such institutions and not used with a view to profit.

School houses.
Books and pro-
perty.

Apparatus.

Lands.

Second.—All lands used exclusively as cemeteries or grounds for burying the dead.

Cemeteries.

Third.—All buildings belonging to the city with the grounds on which such buildings are erected; also, all other real property belonging to the city.

Real property.

Fourth.—All personal property belonging to the city.

Personal pro-
perty.

§ 98. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect and be in force from and after its passage.

Evidence of act.

APPROVED February 21, 1867.

AN ACT granting a new charter to the city of Decatur, and to reduce the several acts incorporating said city, into one act.

In force Feb
21, 1867.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following district of country shall be included within the boundaries of the said city of Decatur, namely: The south-east quarter and the east half of the southwest quarter of

Boundaries.

section ten (10), and the southwest quarter and the west half of the southeast quarter and the southeast quarter of the southeast quarter and the southwest quarter of the northeast quarter and the south half of the northwest quarter of section eleven (11), and the west half and the west half of the northeast quarter and the west half of the southeast quarter and the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section fourteen (14), and the east half and the east half of the northwest quarter and the north half of the southwest quarter and the southeast quarter of the southwest quarter of section fifteen, and the west half of the northeast quarter of the northwest quarter of section twenty-three, all in township sixteen north, range two east of the third principal meridian, together with such other additions of land as may hereafter be joined and annexed to said city.

Name and style. § 2. The inhabitants of said city shall be a corporation by the name and style of the "City of Decatur," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court, may make and use a common seal and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

Wards. § 3. The city of Decatur shall be divided into four wards, the boundaries of which shall be fixed by the city council, and may be by the city council changed from time to time as they shall see fit, having regard to the number of her free white male inhabitants, so that each ward shall contain, as near as may be, the same number of free white male inhabitants. The city council may make and create additional wards as occasion may require and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Government. § 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward, the other officers of the corporation shall be as follows: A city marshal, a city treasurer, a city assessor, a city collector, a city surveyor and engineer, who shall be elected at the time and in the manner of the election of mayor and aldermen. There shall also be appointed by the city council, a city register and a city supervisor, and such other servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor, subject to the confirmation of the city council, and to perform such duties as may be prescribed by ordinance.

City officers.

§ 2. All officers elected under this act, except aldermen, shall hold their offices for one year and until the election and qualification of their successors respectively. All other officers mentioned in this act and not otherwise specially provided for shall be appointed by the city council, as aforesaid on the third meeting of the council in each year after the regular election, or as soon thereafter as may be, but the city council may specially authorize the appointment of watchmen and policemen, by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor may remove them from office for good cause shown. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only and until the election or appointment and qualification of their respective successors.

Term of office.

§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward, who shall be *bona fide* residents thereof and hold their offices for two years from and after their election, and until the election and qualification of their successors: *Provided*, that each alderman shall be a freeholder in the city. They shall be divided into two classes, consisting of one from each ward, so that one from each ward shall be annually elected. At the first meeting of the city council after the first election held under this act, the aldermen shall be divided into two classes by lot. The terms of office of those of the first class shall expire in one year, and those of the second class in two years; and at every annual election after the first held under this act, there shall be one alderman elected in each ward to represent such ward in the city council.

Representation

Division of aldermen.

§ 4. If from any cause there shall not be a quorum of aldermen, the register shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If there should be a failure by the people to elect any officers herein required to be elected, the city council may forthwith order a new election.

Place of election.

§ 5. Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected, but no officer shall be removed except for good cause unless first furnished with the charges against him and heard in his own defense, and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed within ten days, to hear and determine the merits of the case, and if such officers shall neglect to appear and answer to such charges, then the city council may declare the office vacant: *Provided*, this section shall not apply to any officer

Removals from office.

Trials, etc.

appointed by the city council, such officers may be removed at any time by a two-thirds vote, as aforesaid, in their discretion; but any officer may be suspended until the disposition of all charges preferred, and during such suspension the city council shall fill the vacancy by appointment: *Provided, further*, that this section shall not apply to, nor be construed so as to lessen the powers of the mayor as to the removal of watchmen and policemen.

New election in
case of vacancy

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the city council shall order special elections within ten days after the vacancy shall occur. Any vacancy occurring in any other office may be filled by appointment of the city council, but no special election shall be held to fill vacancies if more than nine months of the time have expired.

Qualifications of
office holders.

§ 7. All citizens of the United States qualified to vote at any election held under this act shall be qualified to hold any office created by this act, but no person shall be eligible to any office under this act, or any other act in relation to said city, who is now, or may hereafter be a defaulter to said city or to the state of Illinois or to any other city or county thereof. And any person shall be considered a defaulter who has refused or neglected or may hereafter refuse or neglect for thirty days after demand to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession, and if any such person holding any such office or place within this city shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Defaulters

Ties.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

OF CITY ELECTIONS.

Elections.

§ 1. A general election for all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the first Tuesday of March in each year, at such place as the city council may appoint, and of which at least six days' previous public notice shall be given by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city register: *Provided*, that nothing in this act contained shall be construed in any manner to interfere with the official relations of the council and officers now exercising their functions, as to the duration of

their term of service, but the same shall continue until it expires, or such officer is removed for cause, and the present clerk and attorney shall give notice of the first election to be held under the provisions of this act.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll lists, canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections. The voting shall be by ballot and the judges of election shall take the same oath and have the same power and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city register within three days after the election, and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city register to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall, within twenty days thereafter, qualify, the office shall become vacant: *Provided*, that the city council shall have power, by ordinance, to regulate elections and the appointment of judges thereof, and that the general law of this state requiring the registration of voters' names prior to elections, shall not apply in elections under this charter.

Manner of voting.

Oaths of judges

Notifications.

Appointment of judges.

§ 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote, for ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he be permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, or was a resident of this state at the time of the adoption of the constitution, and have been a resident of this state one year and a resident of this city six months next preceding this election, and am now a resident and have been for ten days last past, of this ward, and have not voted at this election:" *Provided*, the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Who may vote.

§ 4. No election shall be held in any place where intoxicating liquors are vended by retail.

Places of election.

§ 5. The persons entitled to vote at any election under this act shall not be arrested on any civil process within said city upon the day on which such election is held, and

No civil arrest during election.

all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

- Oaths.** § 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of such office, take and subscribe the oath of office prescribed in the 26th section of article 13 of the constitution of this state, and that he will well and faithfully discharge the duties of his office to the best of his ability, and file the same, duly certified by the officer before whom it was taken, with the city register.
- Mayor.** § 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm, that he will devote so much of his time to the duties of his office as a faithful and efficient discharge thereof may require. He shall preside over the meetings of the city council, and shall take care that the ordinances of said city are duly enforced, respected and observed within the city, and that all other officers of the city discharge their respective duties, and he shall cause all negligence and positive violations of duty to be prosecuted. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.
- Enforcing ordinances, laws, etc.** § 3. He is hereby authorized to call on any and all male inhabitants in the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city; and, in case of riot, to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.
- Exhibit of books, etc.** § 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance hereof.
- Malconduct of mayor.** § 5. He shall be liable to indictment in the circuit court of Macon county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars, and the court shall have power, upon the recommendation of the jury, to add as a part of the judgment that he be removed from office.
- Salary of mayor** § 6. He shall receive such salary as may be fixed by ordinance, not exceeding five hundred dollars per annum.

§ 7. All ordinances and all resolutions intended to affect the duties and rights of citizens shall, before they take effect, be filed in the office of the city register, and if the mayor approve thereof, he shall sign the same, and the same shall thereupon be engrossed by the city register, and such as the mayor shall not approve he shall return to the city register, together with his objections thereto in writing, within five days after the passage of the same. Upon the return of any ordinance or resolution, as aforesaid, by the mayor, with his objections thereto, the city register shall immediately give notice to each alderman of the fact that such return has been made. Upon such return and notice the council shall, at its next regular or special meeting thereafter, reconsider the vote by which the same was passed, and if, after such re-consideration, a majority of all the members of the city council qualified to vote shall agree by the "ayes and noes," (which shall be entered on the journals,) to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than five days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect.

Ordinances to be filed.

Returns.

§ 8. In case of vacancy in the office of mayor by reason of temporary or continued absence, or sickness, or any other cause or disability, the city council shall appoint one of its members, by ballot, to preside over the meetings, whose official designation shall be "*Acting Mayor*," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his duties, or the vacancy shall be filled by a new election.

Vacancy in office of mayor.

§ 9. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and are hereby authorized to arrest all persons who are violating or who have violated any ordinance of the city or any law of the state, with or without process, and have them prosecuted therefor, and any person or persons who shall willfully interrupt or oppose them in the discharge of the requirements hereof, shall be subject to the same penalties as though they had opposed or interrupted a marshal, sheriff, or constable in the legal discharge of their duties. They shall, moreover, be exempt from jury duty and street labor or the payment of streettaxes during the term of their office.

Fire-wardens.

Penalties

REGISTER.

§ 10. The city register shall keep the corporate seal and all books and papers belonging to the city; he shall attend all meetings of the city council and keep a full record of all their proceedings on the journals; and copies of all papers

Register and duties of.

duly filed in his office and transcripts from the journals of the proceedings of the city council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; he shall likewise draw all warrants on the treasurer and countersign the same, and keep an accurate account thereof, in a book provided for that purpose; he shall also keep an accurate account of all receipts and expenditures as the city council may direct, and he shall, *ex officio*, have power to administer any oath required to be taken by this act, or any ordinance of the city.

TREASURER.

Treasurer.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep accurate account of all receipts and expenditures in such manner as the city council may direct. No moneys shall be drawn from the treasury except in pursuance of an order of the city council and a treasury warrant signed by the mayor or presiding officer and countersigned by the register, and each warrant shall specify for what purpose the same is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election in each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which shall be filed in the city register's office.

MARSHAL.

Marshal, and
duties of.

§ 12. The city marshal [shall] be a conservator of the peace, and shall have the same power as the mayor in case of riot or affray. He shall execute or cause to be executed all proper process issued under authority of this act or any ordinance of the city, and shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and he shall control and direct the police force of the city in such manner as may be prescribed by ordinance.

CITY SURVEYOR.

Surveyor, and
duties of.

§ 13. The city surveyor and engineer shall have the sole power, under the direction and control of the city council, to survey within the city limits, and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services, as the city council shall direct and prescribe. He shall possess the same powers in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made

by him as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys, but such plans, estimates and contracts, grades and boundaries shall be first reported to the city council and approved by them, or they shall not be valid.

CITY ASSESSOR.

§ 14. The city assessor shall perform all the duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have and exercise the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return the same to the city council.

Assessor, and
duties of.

CITY COLLECTOR.

§ 15. The city collector shall collect all taxes and assessments which may be levied by the city council, and he shall perform such other duties as may be herein prescribed or ordained by the city council.

Collector, and
duties of.

CITY SUPERVISOR.

§ 16. The supervisor shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall be his duty, under the direction of the city council, to superintend and supervise the opening of streets and alleys, the grading, improving and opening thereof; the construction and repairing of bridges, culverts and sewers, to order the laying and repairing of sidewalks, to give notice to the owners of property adjoining such sidewalks when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, re-laid or repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city register to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and of all disburse-

Supervisor, and
duties of.

ments thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council.

COUNCIL TO PRESCRIBE FURTHER DUTIES.

Further duties
and powers of
council.

§ 17. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all of the officers, severally, before they enter upon their respective duties, to execute a bond to the city of Decatur, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over and deliver all moneys and other property received by them, which bond, with the approval of the city council certified thereon by the register, shall be filed in his office, except the bond of the said city register, which shall be filed with the mayor.

DUTY OF RETIRING OFFICERS.

Retiring offi-
cers, duties of.

§ 18. If any person, having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver, and such successor may recover possession of the books, papers and effects belonging to his office in the manner prescribed by the laws of the state.

OFFICERS TO BE COMMISSIONED.

Commission of
officers.

§ 19. All officers elected or appointed by this act, excepting the mayor and aldermen, shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and the city register, but the commission of the city register shall be signed by the mayor alone.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL OF THE CITY—ITS GENERAL POWERS AND DUTIES.

Presiding offi-
cer of council.

§ 1. The mayor and aldermen shall constitute the city council of the city. The mayor, when present, shall preside at all meetings of the city council, and shall have only

a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the aldermen elected shall constitute a quorum.

§ 2. No member of the city council shall, during the period for which he is elected, receive more than fifty dollars for his services, nor shall he be appointed to or competent to hold any office of which the emoluments are paid from the city treasury or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract the expenses or considerations whereof are to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily, save as to the compensation above allowed.

Compensation
of city council.

§ 3. The city council shall hold twelve stated meetings in each year, monthly, at such place or places as they may elect or appoint, and may adjourn at any stated meeting to such time thereafter as they may see proper, and also from one adjourned meeting to another, but the time for any adjourned meeting shall not be fixed for a period beyond the next ensuing stated monthly meeting; and the mayor or any two or more aldermen may call special meetings, and require the register to give notice of such called meeting to each member of the council, by service, by copy, in person, or left at his usual place of abode or business. The city council shall determine the rules of its proceedings and judge of the qualification of its members; and any minority of the council shall have and exercise power to compel the attendance of absent members at any meeting.

Council meet-
ings.

Rules of pro-
ceedings.

§ 4. The city council shall have the control of the finances and of all the property, real, personal and mixed, belonging to the corporation; shall likewise have power within the jurisdiction of the city, by ordinance—

Finances and
property.

First.—To borrow money on the credit of the city, and issue bonds therefor, but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding, and no bonds shall be issued or negotiated at less than par value. The appropriations of the city council for payment of interest for improvements and for city expenses during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding, but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose, or to the carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

Indebtedness.

- Appropriations,
etc. *Second.*—To appropriate money, and to provide for the payment of the debts and expenses of the city.
- Contagious diseases. *Third.*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce them within the city and within five miles thereof.
- General health. *Fourth.*—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof, by penalties, fines and imprisonments; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.
- Nuisances. *Fifth.*—To provide the city with water; to make, regulate and establish public wells, cisterns, pumps, drains, hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires, and the use and convenience of the inhabitants, and to prevent the unnecessary waste of water.
- Wells, cisterns,
etc. *Sixth.*—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachment or injury whatever.
- Streets, alleys
and highways. *Seventh.*—To establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks, crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over; and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.
- Bridges and
sidewalks. *Eighth.*—To provide for lighting the streets, and erecting lamp posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.
- Lighting the
streets. *Ninth.*—To establish and erect markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location; and to authorize their erection in the streets and avenues of the city.
- Markets. *Tenth.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct the planting and preserving of ornamental and shade trees in the streets and public grounds.
- Public grounds
and cemeteries.

Eleventh.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals.

Twelfth.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, boxes, lumber, timbers, fire wood, posts, awnings, signs, or any other substance or material, and to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks, streets and gutters in front of the premises occupied by them. Obstructions.

Thirteenth.—To license, tax and regulate all merchants, commission merchants, inn-keepers, brokers, money brokers, insurance brokers and auctioneers; and to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery keepers, and keepers of ordinaries, theatrical or any other exhibitions, shows and amusements. License taxes. and Peddlers.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their charges and compensation; and to regulate and restrain runners for cars and public houses. Porters.

Fifteenth.—To license, tax, regulate and suppress and prohibit billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops, bawdy houses, gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all gaming with cards, dice and all other games of chance; and to authorize the destruction of all instruments and devices used for the purpose of gaming. Billiard tables.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registration of the same, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than one dollar or more than five hundred dollars shall be charged therefor; and the fees for issuing the same shall not be more than one dollar. But no license for the sale of intoxicating liquors, at wholesale or retail, shall be issued for less than fifty dollars. Licenses. Term of.

Seventeenth.—To restrain, regulate and entirely prohibit the vending, or selling, or giving away of any intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid the selling or giving away of any intoxicating or malt liquors by any person to any minor, apprentice or servant, without the consent of their parents, guardian, or master or mistress, and to punish therefor. Intoxicating liquors.

Eighteenth.—To regulate the inspection and vending of fresh meats, poultry and vegetables; of butter and lard and other provisions; and the place and manner of selling fish and inspecting the same. Inspection of meats, etc.

Butchers.

Nineteenth.—To regulate, license and prohibit butchers, and to revoke their licenses for maleconduct in the course of trade.

Weights and measures.

Twentieth.—To establish standard weights and measures to be used within the city; to require all traders or dealers in any kind of property which is sold by weight or measures, to cause their measures and weights to be tested by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Lumber.

Twenty-first.—To regulate and provide for the inspection of and measuring lumber, shingles, timber, posts, staves, heading, bricks, stone and all kinds of materials; and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Twenty-second.—To provide for the inspection and weighing hay, lime, stone coal, and the place and manner of selling the same; to regulate the measuring of fire wood and charcoal, and other fuel to be sold or used within the city, and the place and manner of selling the same.

Beef and pork.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal and other provisions; salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors; to prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be construed so as to require the inspection of articles enumerated herein which are to be shipped beyond the limits of this state, except at the request of the owner or his agent.

Bread.

Twenty-fourth.—To regulate the weight and quality of bread to be sold or used within the city.

Police.

Twenty-fifth.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Riots.

Twenty-sixth.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place in the city.

Horse racing and fast driving.

Twenty-seventh.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets and to cause persons immoderately riding or driving as aforesaid to be stopped by any person; to prohibit the abuse of animals, and punish any person who shall abuse any animal; to compel persons to fasten their horses and other animals attached to vehicles or otherwise, while standing in the streets.

Abuse of animals.

Vagrants, etc.

Twenty-eighth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Running at large of cattle horses, etc.

Twenty-ninth.—To prohibit, prevent, suppress and regulate the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and penal-

ty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and enforce penalties on the owners or keepers thereof.

Thirtieth.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns, bugles, crying of goods, and all other noises or practices tending to the collecting of persons on the streets or walks by any person for purposes of either business or amusement.

Rolling hoops,
flying kites,
blowing horns,
etc.

Thirty-first.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of diseases.

Health and diseases.

Thirty-second.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, or blacksmith shop, tannery, stable, slaughter houses, or establishments for steaming or rendering lard, tallow, offal or any other substance, packing houses, breweries, distilleries, privies, sewers, or any other establishment where nauseous, offensive or unwholesome business may be carried on, to clean, remove or abate the same, and to direct location, regulate their management and construction, and to abate and prohibit them within the city and to the distance of one mile from the limits thereof.

Offensive establishments.

Thirty-third.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registering of births and deaths, and to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons, and others, for any default on the premises.

Cemeteries.

Thirty-fourth.—To provide for taking the census of the inhabitants of the city.

Census.

Thirty-fifth.—To erect and establish a work house or house of correction; make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city, or for the county of Macon, for any misdemeanor or crime punishable by imprisonment; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Macon county, be kept therein, subject to labor and confinement.

Work house

Destitute chil-
dren.

Thirty-sixth.—To authorize the taking up and providing for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice.

Railroad tracks,
bridges. etc.

Thity-seventh.—To direct and control the laying and construction of railroads, tracks, bridges, turnouts and switches, on the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, switches and turnouts shall be so constructed as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and make and keep in repair suitable crossings at intersections of streets, and alleys, and ditches, and culverts, and sewers, when the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the limits of the city.

Further powers
of city council.

Thirty-eighth.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and regulations not contrary to the constitution of the United States or of this state, for the good government and peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any officer thereof; to enforce observance of all such rules, ordinances and police regulations, and to punish the violation thereof by fines, penalties and imprisonment in the county jail, city prison, work-house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offence; and such penalty may be recovered, with costs, in an action of debt in the name or for the use of the city, before the circuit court or county court of Macon county, where the penalty exceeds one hundred dollars, or before a police magistrate or justice of the peace where the same is one hundred dollars or under; and any person upon whom any fine or penalty is imposed shall stand committed until the same and the costs of the proceeding are paid, or the payment of the same secured by bond, with good and sufficient security, to be approved by the magistrate or court assessing such fine or rendering judgment for such penalty; such bond to be made payable in sixty days to the city of Decatur; and if said fine or penalty, with costs, shall not be promptly paid, according to the tenor and effect of such bond, then execution shall be issued for the amount of such fine, or judgment, or penalty, with costs, against the prop-

erty of the obligors in such bond, and in default of such payment or giving such bond, with security, the defendant shall be imprisoned in the county jail, city prison or work-house, and in addition to imprisonment, the court may direct that at suitable hours the defendant, so imprisoned, shall be required to labor on the streets or other public works of the city under and in conformity to such regulations as the city council shall prescribe by ordinance.

§ 5. The city council shall have power to adopt a plan Additions. for the laying out and platting of all additions which may be made to the city, or of subdivisions of lands lying within the city, so as to establish regularity and uniformity in the streets and highways of the city and vicinity; and to require that all additions and subdivisions which may be so laid out or platted shall conform to such plan. And no map or plat of any addition to said city, or of any subdivison of lands lying within the same, or within one-half mile of the limits thereof, shall be entitled to record, or shall be recorded in the office of the recorder of Macon county until the same shall have been approved by the city council of said city; and all such additions or subdivisions shall be null and void, unless a correct map or plat thereof shall be approved by the city council of said city before the same is filed for record.

ARTICLE VI.

OF TAXATION.

§ 1. The city council shall have power within the city by ordinance—

First.—To levy and collect annually taxes not exceeding Taxes. five mills to the dollar on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

Second.—To levy and collect taxes not exceeding five mills Interest tax. to the dollar per annum on all property subject to taxation, to meet the interest accruing to the city debt. And the city council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provision for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

Third.—To annually levy and collect taxes on all prop- Public buildings tax. erty subject to taxation, when required for the erection of a city hall, market, hospital, city prison or work-house, the purchase of market grounds, public squares or parks, or any other public improvement: *Provided*, the estimated cost of

said improvements may be apportioned by the city council and collected by a series of annual assessments. But the cost of said improvements may be levied and collected upon all the real estate and other property in the division of the city in which they are located. No local improvement under this section shall be ordered in any division unless a majority of the aldermen thereof shall vote in favor of the same. But no taxes shall be levied in any one year, under this section, which shall exceed five mills to the dollar on the property assessed for any or all the purposes herein specified. The revenue arising from such market or other improvements shall be applied to liquidating the costs thereof, and taxes shall be levied and collected to make up the deficiency.

Lights tax.

Fourth.—To levy and collect upon all property in such districts as they shall, from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps, and lighting the streets in such districts, and the tax thus collected shall be exclusively expended for such purpose in the districts paying the same.

Street labor.

Fifth.—To require (and it is hereby made the duty of) every male resident of the city over the age of twenty-one years and under the age of fifty years, who is an able-bodied person, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof three dollars, provided the same shall be paid within three days after notification by the supervisor; in default of payment, as aforesaid, the sum of three dollars and costs may be collected and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Streets, alleys
and highways.

§ 1. The city council shall have power, to open and lay out public grounds or squares, streets, alleys and highways; and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway; they shall cause all streets, alleys, highways, public grounds or squares laid out by them, to be surveyed, described and recorded in a book to be kept by the register, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same when opened in conformity to law, shall be public highways and grounds.

§ 2. Whenever any street, alley, or highway, public ground or square is proposed to be laid out, opened, altered, widened, or straightened, by virtue hereof, and the amount

of compensation can not be agreed upon, the city council shall cause notice in writing, signed by the city register, to be given to the owner of the land intended to be appropriated; if such owner be a resident of the city, or if he be a non-resident of the city, then he shall be notified by publication in the paper publishing the city ordinances, of such intention to appropriate, and at the next regular meeting of the council after service of such notice, if by copy, or after the first publication, in case of non-resident owner, provided ten days' notice shall be given, as aforesaid, the council shall, at its usual place of meeting, choose by ballot three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefited by such improvement and assess the damages and expenses thereof on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners.

SWORN.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities; before entering upon their duties they shall give at least ten days' notice to all persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, which notice shall be given personally if the owners are residents, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown; and on the day specified in such notice they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Oath of commissioners.

Notice.

VALUATION—HOW MADE.

§ 4. If there should be any buildings standing in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the value of such building, and the land proposed to be taken, together with compensation for the inconvenience to such owner, resulting from the taking of the same, and secondly, they shall estimate the value of the materials in said building, less the expense of removing the same.

Valuation of buildings.

§ 5. At least ten days' notice shall be given, as hereinabove directed, to such owner or owners, of such valuation and assessment, as also to each person assessed as benefited. Such notice shall specify the building or buildings and the

award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or otherwise give notice to the commissioners of their election, either to accept the award of the commissioners and allow such building or buildings to be taken with the land condemned or appropriated, or to receive such materials at their assessed value and remove the same. If the owner shall elect to remove such building, he shall have such reasonable time therefor, as the city council may direct, not less than sixty days.

SALE OF BUILDING.

Sale of build-
ings.

§ 6. If the owner of the building shall refuse to take the same at the appraised value of the materials fixed by the commissioners as aforesaid or fails to give notice of his election as aforesaid, within the prescribed time, the city council shall, after the return and confirmation of the report of the commissioners, have power to direct the sale of such building at public auction for cash or on credit, giving twenty days' public notice of such sale, as is required by law in sales under execution. The proceeds of such sale shall, when received, be paid into the city treasury.

Damages and
injury.

§ 7. In making assessments as aforesaid, commissioners shall estimate the value of property, damages and injury to the owner thereof on the one hand, and benefits and advantages if any, on the other, and if the damages to any person be greater than benefit received or if the benefit be greater than the damages, in either case the commissioners shall strike balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively and the difference only shall in any case be collected or payable as the case may be.

Awards.

§ 8. If the lands and buildings belonging to different persons, or if the lands be subject to lease or mortgage, the injury done to such persons respectively, shall be awarded to them by the commissioners, less the benefits, if any, resulting to them respectively from such improvement.

RETURN OF ASSESSMENT BY COMMISSIONERS.

Return of as-
sessments.

§ 9. Having ascertained the damages and expenses of such improvements as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvements as nearly as may be, and shall describe the real estate upon which their assessment may be made, having first given such owner or owners of property assessed as benefited, notice of the time and place of making such apportionment as herein above directed, and

when completed the commissioners shall sign and return the same to the city council within forty days of their appointment, and the register shall upon the filing of the same in his office as aforesaid, within five days thereafter, give notice as aforesaid to the parties in interest, that such assessment has been returned, and that on the day specified in such notice, the said assessment will be confirmed by the city council, unless objection thereto is made by some party interested therein.

OBJECTIONS.

§ 10. Objections, if made to such assessment, shall be heard by the council, and it may adjourn the consideration thereof, from day to day. The council shall have power, in its discretion, to alter, confirm or amend the assessment or refer the same back to the commissioners. If annulled, all the proceedings shall be void. If confirmed an order of confirmation shall be entered directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners they shall proceed to make their assessments and return the same in like manner, and give like notice as herein required in relation to the first, and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first. Objections.

• REMOVE COMMISSIONERS.

§ 11. The city council shall have power to remove commissioners, and from time to time to appoint others in place of such as may be removed or refuse, neglect or are unable from any cause to serve. Removal of commissioners

LANDS TAKEN.

§ 12. The lands required to be taken for the making, opening, widening, straightening or altering any streets, alleys or other highways or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent can not be found within the city, deposit to his or their credit in some safe place of deposit other than the hands of the treasurer, notice of such place of deposit and with whom made, to be given to the party entitled to the fund if known, and the city shall in all cases be held responsible for the solvency of the depository at the time of making the deposits; and then and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways, for public grounds, may be made or opened. Lands to be taken for public purposes.

Appeals.

§ 13. Any person interested may appeal from any final order of the city council opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of Macon county, by notice in writing to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of an appeal the city council shall, within thirty days after the notice thereof given, make, return and file in the office of the clerk of said circuit court, a full and complete transcript of all proceedings and records had before the council and on file in the register's office in reference to said street, alley or other public ground or highway, which transcript shall be certified by the register under the corporate seal, and the said court shall proceed as in other cases to try and determine said appeal, an appeal or writ of error may be had and prosecuted from the judgment of the circuit court in every such cause. Upon the trial of such appeal all questions involved in such proceedings, including the damages and assessments for and upon property taken or benefited, shall be at the instance of either party submitted to a jury as in any case at law, and the burden of proof shall in all cases be upon the city, to show that the proceedings had are in conformity to this act.

RIGHTS OF INFANTS.

Rights of
infants.

§ 14. Whenever any known owner or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Macon county, the county judge of said county or any judge of the supreme court, may, upon application of the city council or such infant, or his next friend, appoint a guardian for such infant taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

ARTICLE VIII.

IMPROVEMENT OF STREETS.

Improvements.

§ 1. The city council shall have power, from time to time, to cause any street, alley or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair and alter and change the same.

SIDEWALKS.

sidewalks.

Second.—To cause sidewalks and crosswalks, main drains and sewers, and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

PUBLIC SQUARE.

Third.—To grade, improve, protect and ornament any public square, or other public ground now or hereafter laid out. Public Square.

Fourth.—The city council shall have power to assess and collect of the owners of lots or real estate, on any street or highway, or any part thereof, in the same manner as other city taxes, for the purpose of grading, paving or planking such street or other highway: *Provided*, that such tax shall not exceed five mills on the dollar per annum of the value of the property assessed. Assessments and collections

SEWERAGE DISTRICTS.

§ 2. That for the purpose of establishing a system of sewerage and drainage, the city council shall have power to have the city laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage for the whole city; and when such districts shall be established and a plan of drainage adopted therefor, the said plan shall be numbered, filed and recorded by the register. Sewerage.

SPECIAL TAX.

§ 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains; which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may, from time to time, extend, enlarge, or alter the same upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest, from the special tax collected in such districts; or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments; but no ordinance creating such debt, special tax, or apportionment shall be repealed or altered until the debt created thereby shall have been paid. Special taxes.

ARTICLE IX.

FIRE DEPARTMENT.

Fire depart-
ment.

§ 1. The city council, for the purposes of guarding against the calamities of fire, shall have power to prohibit the erection, placing, or repairing of wooden buildings within the limits prescribed by them, without their permission; and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the re-building or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe: *Provided*, that the ordinance entitled "An ordinance for the prevention of fires, and establishing fire limits," passed and approved the tenth day of April, A. D. 1856, by the city council elected for the year 1856, shall remain in full force and effect until the same is repealed by the city council elected under this act, and the limits prescribed in said ordinance may be extended at any time the city council may deem proper, and the circuit court of Macon county and all police magistrates shall have jurisdiction in any case arising under said ordinance or any ordinance in relation to the matters under this section.

Chimneys and
flues.

§ 2. The city council shall have power—

First.—To regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Dangerous con-
structions.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Ashes.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire; and to require all owners and occupants of buildings to construct and keep in repair wells and cisterns upon their premises. Fire buckets.

Fifth.—To regulate and prevent the carrying on of manufactures and works dangerous in promoting fires. Manufactories.

Sixth.—To regulate, prevent and prohibit the use of fire works and fire arms. Fire works.

Seventh.—To direct the management of and prohibit houses for storing of gunpowder and other combustibles and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other public places. Combustibles.

Eighth.—To regulate and prescribe the manner, and order the building of parapet and partition walls and of partition fences. Parapet and partition walls.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same.

Tenth.—To authorize the mayor or fire wardens or other officers of the city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen. Idle and suspicious persons

Eleventh.—And, generally, to establish such regulations for the prevention and extinguishment of fires as the city council may deem proper. Prevention and extinguishment.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power— Engines.

First.—To organize fire, hook, hose, axe and ladder companies. Hose, axe and ladder companies.

Second.—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take care and management of the engines and other apparatus and implements used in the extinguishment of fires.

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct to remove them. Duties of firemen.

Fourth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take care and manage— Engineers.

ment of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

**Exemption of
city council.**

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving as jurors, in the militia, or working on the streets, or paying any tax for the same. The name of each fireman shall be registered with the clerk and attorney in a book provided for that purpose, showing the date of the appointment, and the certificate of the clerk and attorney shall be evidence to entitle him to the exemption provided in this section for the year in which exemption is claimed.

ARTICLE X.

BOARD OF HEALTH.

Board of health

§ 1. The board of health shall consist of three or more commissioners, to be appointed annually by the city council; and the mayor or presiding officer of the city council shall be president of the board, and the city clerk and attorney shall be their clerk and keep the minutes of their proceedings.

**Duty of health
officers.**

§ 2. It shall be the duty of the health officers to visit every sick person who may be reported to them, as herein-after provided, and to report with all convenient speed their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious diseases, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

**Infected and
diseased per-
sons to be re-
moved**

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things, which in the opinion of the board, shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall by order of said board be removed to some proper place, not exceeding five miles beyond the city limits, to be provided by the board at the expense of the person to be removed, if able; and the board may order any furniture or wearing apparel to be destroyed whenever they may deem it necessary for the health of the city, by making just compensation.

**Infected furni-
ture.**

**Powers and du-
ties of board of
health.**

§ 4. The city council shall have power to prescribe the powers and duties of the board of health and to punish by fine or imprisonment or both, any refusal or neglect to observe the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being such of the duties of marshal or supervisor as the city council may in their discretion direct, and shall be authorized to enter all houses or other places, private or public, at all times, in the discharge of any duty under this act or any ordinance.

Other duties of health officers.

§ 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the board, and for neglect to do so, shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered with costs in an action of debt, in any court having cognizance thereof, or before a justice of the peace for the use of the city.

Duties of physicians.

ARTICLE II.

ASSESSMENTS AND COLLECTION OF TAXES.

§ 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to the revising, altering or adding to the lists as they may deem proper or expedient.

Form of assessment lists.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each year, but the time for such return may be extended by order of the city council. The city council, upon the return of such assessment lists, shall fix a day for hearing objections thereto, and the register shall give notice of the time and place of such hearing by publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, or take from and otherwise correct and revise the same, or to refer it back to the assessor, with instructions to revise and correct the same.

Annual assessment list.

§ 3. When the assessment lists have been corrected and revised they shall be filed in the office of the register, and an order confirming said lists as revised and corrected, shall be passed by the city council and entered by the register. The city council shall thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the divis-

Revision of the lists.

ions of the city upon which the same are laid. The city council shall thereupon pass an order which shall be entered by the city register directing the issuance by said register of the warrant for the collection of said taxes so levied and assessed, and which said warrant shall be signed by the mayor and city register, and shall have the corporate seal of the city impressed thereon.

Taxes shall be a
lien.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted, or assessed for two years, from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien; and personal property belonging to the debtor, may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate in case of removal, or when the tax can not be made out of the personal estate in the same manner as is prescribed by the laws of the state: *Provided*, that in case of the collection of any assessments shall be delayed by any judicial proceedings, the same shall continue [a lien,] unless set aside, upon the real estate for the term of two years from and after the final disposition of such judicial proceeding.

Copies of as-
sessment lists.

§ 5. The register shall prepare a true and correct copy of the assessment lists so filed, and rule therein separate columns, in which the taxes levied shall be set down opposite the respective names of the persons or real estate subject thereto, and each column shall be headed with the name of the tax therein set down, and the right hand column shall contain the aggregate amount of the several amounts specified in the other columns opposite such name or real estate.

Clerk shall is-
sue warrant.

§ 6. To each copy of such assessment lists so made by the register as aforesaid, he shall annex the warrant issued and signed as aforesaid, which said warrant shall command the collector to collect the several amounts specified in the said column of total amounts, of and from the persons and real estate respectively named and described in such copy. The said copy of the corrected lists with said warrant annexed, shall be delivered by the register to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said tax, with interest and costs, by a suit in the corporate name or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: *Provided*, ten days' notice published in the newspaper publishing the ordinances of the city, by the

collector shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's lists shall in all cases be evidence on the part of the corporation.

§ 7. All taxes and assessments, general or special, shall be collected by the city collector in the manner and with the same authority and power as is given by law to collectors of county and state taxes. He shall pay the same as fast as collected into the city treasury, and his duty in regard to returning warrants and settling with the city and his liabilities in case of default, or misconduct shall be the same as prescribed by law in regard to county collectors: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Manner of collecting.

§ 8. Whenever the city council shall, by ordinance, resolution or other proceeding, in conformity with and by virtue of this act levy any tax either for general or special purposes, or make any assessment on any lot, ground, or real estate for the purpose of improving any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give thirty days' notice by advertisement in the newspaper publishing the city ordinances, that he will apply to the county court of Macon county for the purpose of obtaining a judgment against such delinquent lot or parcel of real estate for the amount of taxes or assessments and costs due and unpaid, and the county court shall hear and determine said application and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of state and county taxes, and the county court shall issue its precepts or order to the collector of the city directing him to sell said real estate at public auction, at the time and place that is or may be designated by ordinance to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix the time of said application to the county court and the time and place of the sale of said real estate.

Non-payment of tax.

§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground to be taken from the east side of the premises for which any person will take the same, and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the register, which certificate shall contain the name of

ales.

the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem shall expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The register shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Redemption.

§ 10. The right of redemption in all cases for sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for county and state taxes, on the payment of double the amount for which the land was sold; and all taxes accruing subsequent to the sale, with ten per cent. interest. If the real estate of any infant, *femme covert*, lunatic, or insane person be sold under this act the same may be redeemed at any time within one year after such disability is removed. In case of redemption the money may be paid to the purchaser or for him to the register, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, and upon proof being made by the holder of said certificate of a full compliance with the constitutional requirement and the laws of the state made in pursuance thereof, imposing conditions for the making of deeds for lands sold for taxes, direct a deed to be executed to the purchaser under the corporate seal signed by the mayor or presiding officer of the city council, and countersigned by the register, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk and attorney in a book wherein tax sales are recorded. A fee of one dollar may be charged by the register for any deed so issued.

Assignee of tax certificate.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.

In case of no bid, then the land to be struck off to the city.

Certificate of sales.

§ 12. If at any sale of personal or real estate for taxes or assessments, no bid shall be made for any parcel of land or personal property, the same shall be struck off to the city, and thereafter the city shall be the sole owner of said personal property, and the city shall receive in the corporate name a certificate of the sale of said real estate so struck off to it, and the register shall give all notices and make affidavit of the service of the same, for and in behalf of the city, as is required of other purchasers; and if the said real estate shall not be redeemed within two years from the date of

said sale, upon proof of service of notice as above, the mayor and register shall make a deed to the city for the same, as in case of deeds to individuals.

§ 13. All deeds made to purchasers of lots sold for taxes or assessments by order of the city council shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, to the following facts:

Tax deeds shall be *prima facie* evidence.

First.—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second.—That the taxes or assessments were not paid any time before the sale.

Time of payment.

Third.—That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

Redemption.

First.—That the land or lot was advertised for sale for the length of time and in the manner required by law.

Time of advertisement.

Second.—That the land was sold for taxes or assessments as stated in the deed.

Sold for taxes.

Third.—That the grantee in the deed was the purchaser.

Grantee.

Fourth.—That the sale was conducted in the manner required by law, and in all controversies and suits involving the title to the land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said lands had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state. But no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claimed title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state, after the sale.

Manner of making delinquent tax sales.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources

Publication of financial statement

from whence the former are derived and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Exemption
from road la-
bor.

§ 2. The inhabitants of the city of Decatur are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof within said limits.

Services de-
manded for
labor.

§ 3. The supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place and in such manner as the city council may direct, or the supervisor may deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business of any person required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe; which notice shall be given at least three days previous to the first [day] on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring on the streets and alleys; but a similar notice published ten days before the labor is required in the newspaper publishing the ordinances of the city, which notice shall receive at least two insertions, by the supervisor, or be posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor, as aforesaid. Upon the neglect of any person to appear and labor, as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars with his commission for collecting the same added thereto, or the same may be recovered by suit, with costs, as in other cases.

Amount to be
collected.

Fines and pen-
alties.

§ 4. All fines, forfeitures and penalties collected for offences committed within said city, under this act or any ordinance of said city, shall be paid into the treasury of said city, by the officers collecting the same.

Surveys and
plats.

§ 5. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers from one upward; and to designate and number all fractional or other lots or blocks, in such manner as they may prescribe by ordinance; and such plats, designation, and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots, or fractional blocks or lots; to establish, mark, and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city or all land adjoining or within the same, laid out into blocks

or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

§ 6. The city council shall, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes, during the same period, as will correspond to the several sums contributed by each division to the general fund; that taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside. Expenditures proportioned.

§ 7. That the supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine, in the same manner as supervisors under the laws of the state. Fines for neglect of duty.

§ 8. Neither the city council nor mayor shall remit any fine or penalty imposed upon any person for a violation of any law or ordinance of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances, within its jurisdiction, by indictment or otherwise. No remission of fines.

§ 9. No vote of the city council shall be considered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken. Reconsideration of votes.

§ 10. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemeteries exempt from attachment.

§ 11. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published ten days in the newspaper publishing the ordinances of the city, receiving at least one insertion; and proof of such publication, by the affidavit of the printers or publishers of such newspaper, taken before any officer authorized to administer oaths, and filed with the _____, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places. Publication of ordinances, etc.

§ 12. All actions brought to recover any penalty for forfeiture incurred under this act or any ordinance, by-law or police regulation, in pursuance thereof, shall be brought in the corporate name, before any police magistrate or the circuit court of Macon county. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating Action to recover fines.

the clause of this act, the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Prosecutions.

§ 13. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases.

Justices of the peace.

§ 14. The city council may have power to designate, by ordinance or resolution, one or more justices of the peace in said city, who shall have concurrent jurisdiction with other police magistrates, for any action for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law, or police regulation, anything in the laws of this state to the contrary notwithstanding. Such justice or justices and police magistrate shall have power to enforce fines and penalties not exceeding one hundred dollars. There shall be such local court, of civil and criminal jurisdiction, as may be established by the general assembly in the cities of the state. Such court shall have jurisdiction over cases arising under this act, or any ordinance of said city in pursuance thereof, and such other jurisdiction as may be established by law. And the qualified voters of said city shall, at the first election held under this act, and every four years thereafter, at the regular election for city officers in pursuance of the act of the general assembly creating police magistrate courts, elect the number of police magistrates prescribed in said act for said city, whose jurisdiction shall be concurrent with and equal to the magistrates or justices designated, as aforesaid, by the city council: *Provided*, their jurisdiction may at any time be extended by the general assembly: *And, provided, further*, if from any cause a vacancy may occur in the office of police magistrate, or should the people at any time fail to elect, the city council may immediately order a new election to fill such vacancy or otherwise.

Police magistrates.

Jurisdiction.

Executions.

§ 15. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Macon whereof the judgment can be collected, the court shall require the defendant to be confined in the county jail or workhouse or city prison for a term not exceeding six months, or compel the defendant to labor on the streets of the city, in the discretion of the court rendering judgment, and all persons who may be committed under this section, shall be confined or compelled to labor on the streets one day for each one dollar of such judgment and costs; and all fines, when collected, shall be paid into the city treasury.

Penalty for destruction of public buildings.

§ 16. Any person who shall injure or destroy any bridge or public building, or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred

dollars for such offence, to be recovered by the city in an action of debt before any court in Macon county having jurisdiction, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had; and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction.

§ 17. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Decatur, in any action or proceeding in which the said city may be a party in interest. Incompetent judges, etc.

§ 18. All ordinances, regulations and resolutions now in force in the city of Decatur, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect. Prior ordinances to be in force.

§ 19. All rights, actions, fines, penalties and forfeitures in suits, or otherwise, which have occurred under the charter hereby repealed, shall be vested in and prosecuted by the corporation hereby created. Rights, actions, etc.

§ 20. All property, real, personal and mixed, belonging to the city of Decatur, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage. Property, etc.

§ 21. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof. Proof.

§ 22. The style of all ordinances shall be: "Be it ordained by the city council of the city of Decatur." Style of ordinances.

§ 23. Any tract of land adjoining said city, which may be laid off into lots or blocks, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, may and shall be annexed to said city and form a part thereof. Additions.

§ 24. This act shall not invalidate any legal act done by the city council of the city of Decatur or by its officers, nor divest their successors under this act of any rights of property, or otherwise or in any way affect any tax or assessment levied or imposed by order of the city council, or any liabilities which may have accrued to or been created by said corporation prior to the passage of this act. Act not to invalidate previous acts.

§ 25. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinances of the city, commit for examination, and if necessary detain such persons in custody over night or the Sabbath in Arrests, etc.

the watch-house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Of former acts. § 26. Nothing in this act contained shall be so construed as to deprive the city council of said city of any power or authority conferred upon the same by the act incorporating said city, and which is hereby repealed, but the city shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such power and authority are expressly modified or repealed by this act or the act heretofore mentioned.

Publication of digest of ordinances. § 27. There shall be a digest of the ordinances of the city, which are of a general nature, published within two years after the passage of this act, and a like digest within every period of eight years thereafter.

Former acts repealed. § 28. That an act entitled "An act to repeal an act entitled 'an act to incorporate the city of Decatur,' and to re-charter the same," approved January 26th, 1857, and all acts amendatory thereof, be and the same are hereby repealed: *Provided*, that this act shall not in any manner invalidate any of the acts done or ordinances passed and approved by the city council of Decatur under the charter hereby repealed, and that any and all the acts done by said council in conformity to said charter shall be good and valid in law, and all the rights secured to said city council under said act may be retained and enforced by the corporation hereby created, except so far as they conflict herewith, in which case they may be modified in conformity hereto.

Evidence of act. § 29. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage.

APPROVED February 21, 1867.

In force Feb.
21, 1867.

AN ACT to incorporate the city of Jerseyville.

CHAPTER I.

BOUNDARIES AND TITLE.

Boundaries, titles. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* district of land in the county of Jersey, and state of Illinois, known and described as follows, to-wit: Beginning at the center of the south-west quarter of section number fifteen (15), township number eight (8) north, of range number eleven (11) west of the third principal meridian; thence

running west two (2) miles to the center of the south-west quarter of section number seventeen (17); thence south two (2) miles to the center of the south-west quarter of section number twenty-nine (29); thence east two (2) miles to the centre of the south-west quarter of section number twenty-seven (27); thence north two (2) miles to the place of beginning, be and the same is hereby incorporated and erected into a city, by the name of "The City of Jerseyville."

§ 2. That the resident inhabitants of said city shall be and they are hereby constituted and shall hereafter continue forever to be a body politic and corporate, by the name and style of "The City of Jerseyville;" and by that name shall be known in law, and have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions and matters whatsoever; may purchase, receive, hold and enjoy real and personal property, and choses in action, within and without the limits of said city, for the use of the inhabitants thereof, and may sell, lease, convey and dispose of the same for the benefit of said city or the inhabitants thereof, and may improve and protect such property; and may have and use a common seal, and alter the same at pleasure; may do all other acts as natural persons which may be necessary to carry out the powers hereby granted.

Name and style.

Powers, etc.

§ 3. The city of Jerseyville shall be and is hereby divided into four (4) wards, as follows, to-wit:

First ward.—All that portion of said city which lies north of Pearl street and the Fielden road, and lying and being west of State street and the state road leading north, shall be and is hereby established as and denominated the first ward.

Wards.

Second ward.—All that portion of said city that lies north of Pearl street and the Carlinville road, and lying and being east of State street and the state road, shall be and is hereby established as and denominated the second ward.

Third ward.—All that portion of said city lying south of Pearl street and the Carlinville road, and lying and being east of State street and the Alton road, shall be established as and denominated the third ward.

Fourth ward.—All that portion of said city lying south of Pearl street and the Fielden road, and lying and being west of State street and the Alton road, shall be and is hereby established as and denominated the fourth ward: *Provided, always,* that the city council shall have, and they are hereby vested with the power and authority to alter the boundaries of the wards of said city, and to create additional wards, and fix the boundaries thereof.

CHAPTER II.

GOVERNMENT.

Government.

§ 1. The corporate powers of said city shall be vested in a city council, to be composed of the mayor of said city and one alderman from each of the wards thereof. The other officers of said city shall be as follows, to-wit: A clerk, who shall be, *ex officio*, treasurer and assessor; a surveyor and constable, who shall be, *ex officio*, collector; an attorney, fire warden and a marshal, who shall be, *ex officio*, street commissioner. The mayor and aldermen shall be elected by the qualified voters of the city, and hold their respective offices for one year, and until their successors are elected and qualified: *Provided*, that no person shall be eligible to any of the aforesaid offices unless a citizen of the United States, and of this state, and who shall have had at least one year's residence in said city previous to his election: *Provided, further*, that the city council may elect or appoint such other officers of the city as they may deem advisable, and by ordinance prescribe their powers and duties.

Delivery of office property.

§ 2. If any person, having been an officer in said city, who shall not within ten days after notification and request, deliver to his successor in office, all money, property, papers and effects of every description, in his possession, belonging to said city or appertaining to the office held by him he shall forfeit and pay, for the use of the city, the sum of one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor shall and may recover possession of the books, papers, property, etc., appertaining to his office, in the manner prescribed by the laws of this state for the recovery of the possession of personal property.

Mayor and aldermen.

§ 3. The mayor, constable, marshal and aldermen of said city are hereby created conservators of the peace, within and for said city, and shall, and they are hereby declared to be exempt from all jury duty, and from the payment of street or poll tax during their continuance in office.

Fees and emoluments.

§ 4. The emoluments, salaries and fees of all city officers shall be fixed and regulated by the city council, by ordinance, and the same shall not be changed or altered so as to affect any officer during his term of office.

Vacancies.

§ 5. When a vacancy shall occur in any elective office, either by a failure of the people to elect, or by the death, removal or resignation of any incumbent, the city council shall forthwith declare said office or offices vacant, and order a new election; and if from any cause there shall not be a sufficient number of aldermen of the city left to form a quorum, it shall be the duty of the clerk to order such election.

§ 6. In case of a vacancy occurring in the office of mayor, or if the mayor be unable to perform the duties of his office, by reason of temporary absence or sickness, the city council shall appoint, by ballot, one of their number to act as mayor, whose official designation shall be "acting mayor," and the alderman so appointed shall be and he is hereby vested with all the powers and shall perform all the duties and be subject to all the liabilities of the mayor, until the mayor shall resume the duties of his office, or the vacancy be filled by a new election.

Designation of
presiding officer.

§ 7. Whenever a vacancy shall occur in the office of any person elected or appointed by the city council, by death, resignation or from any other cause, the city council shall immediately declare such office vacant and fill the same by a new election or appointment.

Vacancy.

§ 8. Whenever a tie shall occur in the election of any person to any office created by section one (1) of this chapter, the judges of election shall certify the same to the mayor of said city, who shall determine the same by lot, in such manner as may be prescribed by ordinance.

Ties.

§ 9. Any person elected to any office under this act may be removed from such office by a two-thirds vote of all the aldermen of said city, but no person shall be so removed except for good cause, nor until first furnished with the charges preferred against him, in writing, and heard in his own defense; and the city council shall have power to compel the attendance of witnesses and the production of papers for the purpose of such hearing, and shall proceed in a summary manner to hear and determine the merits of the case. And if such officer shall refuse or neglect to appear at the time appointed for a hearing, and neglect to make answer to the charge or charges preferred against him, the council may declare his office vacant, and the city council may suspend any officer until a final disposition of the charges preferred: *Provided*, that the provisions of this section shall not apply to officers appointed under this act by the city council, such officers may be removed at any time, at the discretion of the council, by a two-thirds vote of all the aldermen.

Removals from
office.

§ 10. All persons elected or appointed to office under this act shall, before they enter upon the duties of their respective offices, take and subscribe the oath of office prescribed in the constitution of this state, and within ten days after notice of such election or appointment, file the same duly certified by the officer before whom it was taken, with the clerk of the city; and any person neglecting so to do shall be considered as having refused to accept the office, and such office may immediately be declared vacant. The mayor, before entering upon the duties of his office, shall, in addition to the above oath, make oath or affirm that he

Oath of office.

will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require.

Bonds.

§ 11. All persons elected or appointed, under this act, to the office of mayor, clerk, attorney, assessor, constable, marshal and street commissioner, shall, before they enter upon the duties of their respective offices, severally execute to the city of Jerseyville, a bond in such sum and with such securities as the city council may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys and other property belonging to said city, received by them, which said bonds, with the approval of the city council certified thereon by the clerk, shall be filed with the clerk: *Provided*, that the city council may, at their discretion require bonds of any and all other officers of said city, and that no member of said city council shall be received as surety upon any official bond.

CHAPTER III.

ELECTIONS.

Elections.

§ 1. An annual election for all the officers of said city required to be elected by this act, or by any ordinance of said city shall be held in the said city on the third Tuesday in April in each year, at such place or places as the city council may appoint. Six days' previous public notice of the time and place of holding such election shall be given by the clerk, by posting up notices of the same in three public places in each ward.

Officers to be elected.

§ 2. At such annual election there shall be elected by the voters of said city, a mayor and one alderman from each ward, and the person receiving the highest number of votes for either of said offices shall be declared elected.

§ 3. When two or more candidates for an elective office shall receive an equal number of votes, the election shall be determined as prescribed in chapter —, number two (2), section five (5) of this charter.

Judges of election.

§ 4. There shall annually be appointed two judges of election, and one clerk for each poll opened, who shall hold their offices until their successors are appointed. If no judge be present at the time appointed for opening the polls, or if the judges being present refuse to act, the voters may elect two of their own number to act as judges, and if the clerk be absent the judges may appoint a person to act as clerk.

Oath of judges.

§ 5. The judges and clerks of all elections held under this act shall take the same oath and have the same powers and authority as the judges and clerks of general state elections have; and the manner of voting at, conducting and contesting said elections, the opening and closing of the polls and keeping of the poll lists, canvassing of the votes and certifying the return shall be the same, or nearly as may

be, as at general state elections; the returns, certified as above, shall be sealed and returned to the city clerk within three days after the election, and thereupon the city council shall meet and canvass the same and declare the result of the election. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment.

§ 6. All officers of said city whose election is not specially provided for by this act, shall be appointed by the city council by ballot, at their first meeting after each annual election, or as soon thereafter as practicable. Appointments.

§ 7. Any person qualified to vote at general state elections, who has been an actual resident of said city for three months immediately preceding any election shall be entitled to vote: *Provided*, that such person, if required by any judge of election or qualified voter of said city, shall take the following oath, to-wit: "I do solemnly swear (or affirm) that I am twenty-one years of age; that I am a citizen of the United States (or was an inhabitant of this state at the time of the adoption of the constitution) and have been a resident of this city three months next preceding this election, and have not voted at this election," also prove his residence by a freeholder resident of the city. Qualifications.

§ 8. All special elections shall be held and conducted in the same manner as annual elections, and public notice of holding the same shall be given by the clerk, in the same manner as is herein provided to be given of annual elections. Manner of holding.

§ 9. No qualified voter of said city shall be subject to arrest upon civil process within said city upon the day which any election is being held in said city, and all persons illegally voting at any election held under this act or under any ordinance of the city, shall be prosecuted and punished in like manner and to the same extent as any person may be by the laws of this state for illegal voting at general state elections. Arrests.

CHAPTER IV.

POWERS AND DUTIES OF OFFICERS.

§ 1. The mayor of said city shall have all of the ordinances passed by the common council faithfully executed, and to aid him in the discharge of his duty he is hereby authorized to call on every male inhabitant of said city over the age of eighteen years, and in case of riot to call out the militia to aid him in carrying the same into effect; and any person who shall not obey the call of the mayor shall forfeit to the corporation a fine of ten dollars. The mayor shall have power to call special meetings of the aldermen, when in his opinion the public good may require it. He shall have power, whenever he may deem it necessary, to Powers and duties of officers.

require any of the officers of said city to exhibit his books and papers; and he shall, from time to time, make such communications to the board of aldermen as he may consider necessary and proper; and, in general, he shall have power to do all other acts and things that may be required of him by any ordinance made in pursuance of this act. He shall have power to take the acknowledgment of deeds, mortgages and all other instruments, and certify the same under seal of the city, all of which shall be valid in law.

Duties of city
clerk.

§ 2. The clerk shall keep the corporate seal and all books and papers belonging to the city. He shall be, *ex officio*, clerk of the board of the city council, and as such shall keep a full and complete record of all their proceedings; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be admitted as evidence in all the courts of this state in like manner and to the same extent as the originals. To issue all licenses authorized by the ordinances of said city; to receive all money due said city; to keep a regular account of all such receipts showing the date and on what account received. He shall also pay out the funds of said city ONLY on orders or warrants drawn by the mayor and countersigned by the clerk; he shall register in a book to be kept by him for that purpose, all orders or warrants on the treasury which may be drawn as soon as issued, and when paid shall enter the same in said book as canceled. He shall, at the end of such year or oftener if required by the city council, exhibit to said council a statement in writing of the financial affairs of said city and do all other acts which may be required of him by any ordinance passed in conformity to this charter. He shall, before entering upon the duties of his office, execute a bond to the city of Jerseyville for the use of the inhabitants of said city in a penalty of not less than three thousand dollars nor more than ten thousand dollars, with two or more securities to be approved by the city council, conditioned that he will faithfully perform all the duties of his office, and will fully and justly account for and pay over all money and deliver all books, papers, bonds and other property of said city which may come into his possession by virtue of his office; and will, at any time, if additional security is required of him, furnish the same to the satisfaction of the city council, which bond he shall deliver to the mayor to be by him safely kept, and the same shall be held for the benefit and security of said city and all other persons interested therein.

Assessor.

§ 3. The assessor shall perform all the duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council, as hereinafter provided.

§ 4. The collector shall collect all taxes and assessments which may be levied or assessed by the city council, and perform such other duties as may be prescribed by this act or any ordinance of the city. Collector.

§ 5. The surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits, and he shall be governed by such rules and ordinances as the city council shall adopt. In making of plats and surveys within the city limits he shall have the same powers as are given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are now or may hereafter be given by law to the acts, plats and surveys of county surveyors. Surveyor.

§ 6. The attorney shall conduct all actions at law or in equity to which said city may be a party, or in which the city is in any manner interested, and in general, act as legal counsellor of the city, and be governed by any ordinance that may be prescribed in relation to his duties. Attorney.

§ 7. The marshal shall, within the limits of said city, have the same power and authority which a constable has under the statutes under this state, when the city is a party. He shall be a conservator of the peace within said city, and may arrest all persons on view, with or without a warrant, who may be found violating any of the ordinances of the city; and shall perform such other duties as the council may, by ordinance prescribe. Marshal.

§ 8. The fire warden shall be chief of all hook and ladder and bucket companies that may be organized by the city council, and shall perform such duties, be subject to such liabilities as the city council by ordinance may prescribe. Fire-warden.

§ 9. The street commissioner shall, under the direction and order of the city council, superintend the opening of streets and alleys, working and keeping in repair and grading the same, the construction and repairing of bridges, culverts, sewers, cross-walks, sidewalks, and such other duties as this act and the city council may by ordinance prescribe. Street commissioner.

§ 10. The city constable elected under the provisions of this act, shall be city collector of taxes, and shall have power and authority to execute all process issued for the breach of any ordinance the same as the city marshal, and for that purpose his authority shall extend over the county of Jersey and in addition shall have the same power, jurisdiction and authority within the limits of said county as other constables in all cases under the laws of this state, and shall give bond and qualify as the said city council shall by ordinance prescribe. Constable.

§ 11. The city council shall have power to require further and other duties of all officers elected or appointed Council.

under this act or the ordinances of the city, not conflicting with the duties herein specially set forth.

How commis-
sioned.

§ 12. All officers of the city except mayor and aldermen shall, before entering upon their duties be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, excepting the first election held on the third Tuesday in April, A. D. 1867, when such officers elected shall be commissioned by the president of the town council of the town of Jerseyville, and countersigned by the clerk of said town.

CHAPTER V.

CITY COUNCIL—ITS POWERS AND DUTIES.

Duties of city
council, etc.

§ 1. The city council shall hold one stated meeting in each month in each year, and the mayor or any two aldermen may call special meetings by notice to each member served personally, or left at his usual place of residence or business. Such meeting may be held at such times and places within the city as the city council may prescribe.

Presiding offi-
cer, etc.

§ 2. The mayor, when present, shall preside at all meetings of the city council, and shall have a casting vote only. In his absence the city council shall appoint one of their own number to preside. A majority of the aldermen authorized to be elected by this act, shall constitute a quorum for the transaction of business; but a less number may meet and adjourn from day to day, and compel the attendance of absent members, imposing such penalties for non-attendance as they may deem advisable.

Rule of pro-
ceedings.

§ 3. The city council shall keep a journal of its proceedings, and shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of its members, expel a member.

Management of
finances.

§ 4. The city council shall judge of the election and qualification of its own members, and shall have the management and control of the finances, and all the property, real, personal and mixed, belonging to the said city of Jerseyville, and shall likewise have power by ordinance,

Indebtedness.

First.—To borrow money on the credit of the city and issue the bonds of the city therefor: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than ten per cent. per annum, nor shall the sum of money so borrowed and interest combined, ever exceed one-half of the city revenue arising from taxes assessed the previous year on real and personal property within the limits of said city. Nor shall the indebtedness of the city ever exceed the sum of ten thousand dollars at any one time: *Provided, further*, that the city council shall first submit all proposals to borrow money to the legal qualified

tax paying voters of the city, and which shall be approved by a majority of the voters voting at such election before any money shall be borrowed as aforesaid.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city. Appropriations, etc.

Third.—To make all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases within the city.

Fourth.—To establish hospitals and make regulations for the government of the same.

Fifth.—To tax, license, regulate or prohibit the selling or giving away of any spirits, wines, or other liquors, whether ardent, vinous, malt or fermented, by any person. Tax and license

Sixth.—To prohibit the selling or giving away of ardent spirits or other intoxicating liquors, to any insane, or lunatic person, or to any child, apprentice or servant, without the consent, in writing, of his or her parent, guardian or master. Liquors, etc.

Seventh.—To license, tax, regulate, suppress or prohibit billiard or bagatelle tables, pin alleys, nine or ten pin alleys, and ball alleys, or other gaming tables or alleys.

Eighth.—To tax, license and regulate hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carriers and all others who may pursue like occupations, with or without vehicles, where the same is done for pay, and prescribe their compensation. Hackmen and draymen, etc.

Ninth.—To tax, license and regulate auctioneers, distillers, brewers and pawu brokers.

Tenth.—To have the sole right, exclusive of the state, to license, tax and regulate or suppress hawkers and peddlers: *Provided*, where a license is granted the person or persons shall pay a sum of money into the city treasury of not less than five dollars for each day or part of a day he or they hawk or peddle within the city limits: *Provided, further*, that no license shall contain the names of more than two persons, and then the persons shall be actual and *bona fide* partners. Hawkers, peddlers, etc.

Eleventh.—To license, tax, regulate, or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments by itinerant companies or persons, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions or amusements. Exhibitions, shows, etc.

Twelfth.—To authorize the city clerk to grant and issue licenses for any or all of the above purposes and direct the manner of issuing and registering the same, and the fees to be paid therefor: *Provided*, no license shall be granted for a longer term than one year, nor for a less sum than three dollars, nor more than five hundred dollars: *And, provided, further*, that no license shall be granted for the selling or giving away of any wines or other liquors, whether Issuing license.

ardent, vinous, malt or fermented, either at wholesale or retail or in any quantities either by inn keepers, or any other person or persons as aforesaid, for a sum less than fifty dollars, and then and in that case a bond with sureties, to be approved by the city council, shall be taken, binding the person or persons receiving such license to a due observance of the laws and ordinances of the city regulating such matters.

Gaming, etc.

Thirteenth.—To suppress, restrain or prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting, all disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin alleys, or other tables or alleys, and to authorize the destruction or demolition of all instruments and devices used for the purpose of gaming.

Factories, tanneries, etc.

Fourteenth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

Breweries, etc.

Fifteenth.—To direct the location and management of and regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, restrain, abate or prohibit within the city, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered; and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Offal, etc.

Markets.

Sixteenth.—To erect market houses, and to establish markets and market places, and provide for the government and regulation of the same.

Seventeenth.—To provide for the erection of all needful buildings for the use of the city.

Public grounds.

Eighteenth.—To provide for inclosing, improving and ornamenting all public grounds belonging to the city.

Nineteenth.—To direct the location and management of houses for storing of gunpowder, tar, pitch and rosin, and other combustible materials, or prohibit the same.

Encumbrances.

Twentieth.—To prevent the encumbering of the streets, sidewalks, lanes, alleys and public grounds of the city, with any article or substance whatever.

Twenty-first.—To cause cross and sidewalks, main drains and sewers, private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired.

Sidewalks, etc.

Twenty two.—To cause all owners or occupants of premises to build sidewalks and keep the same in repair in front of said premises, and when not built according to the orders of the city council, to build and repair the same, and assess

the costs thereof against said premises, and collect the same as other city taxes are collected.

Twenty-three.—To compel all persons to keep the snow, dirt, rubbish, etc.

Twenty-fourth.—To fill up, drain, cleanse, alter, relay, repair and regulate any lots, blocks, grounds, yards, barns, slips, cellars and private drains, sinks and privies, direct and regulate their construction, and cause the expenses to be assessed on the premises benefited thereby, and to collect the same in the same manner as other city taxes.

Twenty-fifth.—To direct and regulate the planting and preserving of ornamental and shade trees in the streets, alleys and public grounds. Ornamental trees, etc.

Twenty-sixth.—To prevent horse racing and immoderate riding or driving in the streets, lanes, avenues or alleys, and to punish the abuse of animals.

Twenty-seventh.—To compel persons to fasten their horses, oxen or other animals while standing or remaining in the streets, lanes, avenues or alleys. Running at large of animals.

Twenty-eighth.—To restrain and punish vagrants mendicants, street beggars and prostitutes. Beggars, etc.

Twenty-ninth.—To restrain, regulate or prohibit the running at large of cattle, horses, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for all penalties and costs incurred.

Thirtieth.—To prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large. Dogs, etc.

Thirty-first.—To prevent or regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice, having a tendency to annoy persons passing in the street or on the sidewalks, or to frighten teams or horses. Hoops, ball, etc.

Thirty-second.—To prevent the ringing of bells, blowing of horns and bugles, building bonfires, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others for the purpose of business, amusement, or otherwise. Bonfires, etc.

Thirty-third.—To provide the city with water; to sink and keep in repair cisterns, wells and pumps in the streets, lanes or alleys, and to regulate by ordinance the size of the same. Water.

Thirty-fourth.—To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, ovens, stoves, stove pipes, engines, boilers and other apparatus used in and about any building or manufactory, and cause the same to be removed and placed in a safe and secure condition when considered dangerous. Chimneys, etc. regulated.

Thirty-fifth.—To require the inhabitants of said city to provide as many fire buckets and in such manner and time Fires, etc.

as they shall prescribe, and where they shall be kept, and to regulate the use of them in time of fire.

Thirty-sixth.—To regulate or prohibit the use of firearms and all kinds of fireworks.

Ladders, etc.

Thirty-seventh.—To compel the owners or occupants of houses and other buildings to have suitable scuttles in the roofs, and stairs or ladders thereto, or to keep at least one ladder where it may be at all times ready to go on to the roof in case of fire.

Hook and bucket companies.

Thirty-eighth.—To provide for the prevention and extinguishment of fires; to procure, organize and equip fire, hook and ladder, bucket and axe companies, and prescribe their powers and duties.

Thirty-ninth.—To authorize the mayor, aldermen, fire wardens and other officers of said city to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city and all other persons, to aid in extinguishing fires and preserving property.

Bridges, etc.

Fortieth.—To establish bridges, erect and keep the same in repair.

Lighting of the streets.

Forty-first.—To provide for lighting the streets and erecting lamp posts.

Forty-second.—To establish, regulate and appoint policemen and night watches, and prescribe their powers and duties.

Enumerations.

Forty-third.—To provide for taking the enumeration of the inhabitants of the city.

Fees of jurors.

Forty-fourth.—To fix the compensation and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

Fuel, etc.

Forty-fifth.—To regulate the measuring of wood and the weighing and selling of coal and hay, and the place and manner of selling the same.

Inspectors and weighers.

Forty-sixth.—To appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

Forty-seventh.—To declare what shall be a nuisance, and abate the same, and to do all acts and make all regulations which may be necessary for the preservation of the public health.

Railroad bridges, etc.

Forty-eighth.—To direct and control the laying and construction of railroads, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require railroad companies to keep in repair and to light the streets and alleys through which their tracks may run, and to construct and keep in repair and unobstructed suitable crossings at the intersections of their roads with the streets, alleys, ditches, sewers and culverts; to direct the use and regulate the speed of locomotive engines within the inhabited portion of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Forty-ninth.—To regulate, establish and order party walls and partition fences. Partition walls and fences.

Fiftieth.—To provide for the punishment of offenders by fine or imprisonment, or both, in the county or city jail, and by requiring them to work on the streets, lanes, or alleys of said city, in all cases where the offender or offenders shall fail or refuse to pay any fine or forfeiture recovered against them: *Provided*, such fines shall not exceed one hundred dollars, and such imprisonment shall not exceed six months for any one offence. Punishment of offenders.

Fifty-first.—To license, tax and regulate inn keepers, merchants, manufacturers, insurance agents, brokers, money changers, lawyers, physicians, claim agents, butchers, bakers, and any and all trades and occupations; and no such trade or occupation shall be carried on without such license, under such penalties as the city council may prescribe. Inn keepers, agents, etc.

Fifty-second.—To prescribe in what part of the city frame buildings of any description shall not be built or erected, and provide for the punishment of persons violating the provisions of any ordinance the city council may pass, and to tear down and remove the same, or cause the owner to tear down and remove the same, when erected or built contrary to the provisions of the ordinance passed by said council. Frame buildings.

Fifty-third.—The city council shall have power to make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations as may be necessary for the good government and order of the city and the trade and commerce thereof, and to enforce the same by fine or imprisonment, or by both: *Provided*, such fine shall not exceed one hundred dollars, and such imprisonment shall not exceed six months for one offence. Amend and repeal ordinances.

CHAPTER VI.

REVENUE ASSESSMENT AND COLLECTION.

§ 1. The city council shall have power to levy and collect annually, taxes not exceeding five mills on each dollar of the assessed value of all real and personal estate and property within the city of Jerseyville, and all the personal property of the inhabitants thereof made taxable by the laws of the state for state purposes, which taxes shall constitute a general fund. Taxes.

§ 2. The city council shall provide by ordinance for the assessment, levy and collection of taxes in pursuance of the foregoing section of this chapter, and shall have full power and authority to provide by ordinance for the obtaining of judgments for delinquent taxes, and the advertisement and sale of property real and personal, for such delinquent taxes, and the conveyance and confirmation of titles there-to not inconsistent with the constitution of this state. Judgments.

CHAPTER VII.

STREET OR POLL TAX.

- Street labor. § 1. Every male inhabitant residing within the limits of the city of Jerseyville, except such as are exempted by this act, between the ages of twenty-one and fifty years, shall labor three days in each year upon the streets and alleys of said city; but any person may pay in lieu thereof to the street commissioner two dollars: *Provided*, the same shall be paid at the time of warning the person to work or during the day. In default of payment, the sum of three dollars may be collected, and no off-set shall be allowed.
- Delinquents. § 2. It shall be the duty of the street commissioner to report to the city council the name of every person who shall refuse to labor or pay as aforesaid within thirty days after neglect or refusal, together with the time and manner of notification. The oath of the street commissioner shall be deemed sufficient evidence of the notice required by this chapter.
- Disposition of money. § 3. All money collected for poll or street tax by the marshal shall be immediately paid over to the city clerk, the clerk giving his receipt therefor, and entering the same upon the city books.
- Suits, etc. § 4. Suits for the recovery of said penalty for failing or refusing to so labor as aforesaid shall be brought in the name of said city of Jerseyville, before any justice of the peace in said city, and prosecuted as in other cases as provided by law.

CHAPTER VIII.

STREETS AND ALLEYS.

- Streets and alleys. § 1. The city council shall have power to establish, open, vacate, alter, widen, extend, straighten, grade, pave, plank, or otherwise improve and keep in repair streets, avenues, alleys and lanes in said city.
- Private property taken. § 2. When it shall be necessary to take private property for opening, widening or altering any public street, lane, a venue or alley, the city shall make just compensation to the person or persons whose property is taken, and if the amount of such compensation can not be agreed on, the city council shall cause the same to be ascertained by a jury of six disinterested freeholders of the city: *Provided*, that when the owners of all the property on a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, no compensation shall be made to those whose property shall be taken.
- Judgments § 3. The venire for a jury in any case under this chapter shall be issued by the city clerk and directed to the marshal, who shall execute and return the same with his

indorsement thereon, how and in what manner he served the same.

§ 4. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owner or owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the city clerk their inquest in writing signed by each juror. Damages.

§ 5. In ascertaining the amount of compensation to be made to the owner of any property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefits as well as the injury accruing to such property or the owner thereof. Compensation.

§ 6. The city council shall have power, for good cause shown, within thirty days after any inquest shall have been returned as aforesaid, to set the same aside, and cause a new inquest to be made. New inquests.

§ 7. Each public road within the limits of the city shall be considered and treated as a street. Public roads.

§ 8. The city council shall have power by ordinance to levy a special tax on the lands and lots situated on any street or part of a street, lane, avenue or alley, according to their respective values, for the purpose of paving, grading, planking or lighting said streets, lanes, alleys or avenues in front of the same, and to collect said tax in the same manner as other city taxes are collected. Special taxes.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

§ 1. The style of all ordinances passed by the city council shall be—"Be it ordained by the city council of Jerseyville," and shall be read three times before their final passage. Upon the final passage of all ordinances, the ayes and noes shall be taken and recorded. Style of ordinances.

§ 2. All ordinances shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof he shall sign the same, and such as he shall not approve he shall return to the city council, with his objections thereto. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members of the city council shall agree by the ayes and noes (which shall be entered on the journal) to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object to any such ordinance for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect the same as if he had signed it. Approval of ordinances.

Reconsideration of vote.

§ 3. No vote of the city council shall be reconsidered or rescinded at a special meeting unless the meeting be called in whole or in part for that purpose, nor unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken.

Remission of fines, etc.

§ 4. Neither the mayor or city council shall remit any fine or penalty imposed upon any person for a violation of any law or ordinance of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission.

Publication of ordinances.

§ 5. Every ordinance, regulation or by-law imposing any fine, penalty, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, shall be conclusive evidence of the fact of publication and promulgation of such ordinance, regulation or by-law in all courts and places.

Securities.

§ 6. The city of Jerseyville shall not be required to give security for costs in any appeal or other suits to which said city may be a party.

Salaries of officers.

§ 7. The city council shall by ordinance prescribe the salaries, in addition to the fees, of the office of mayor, in a sum not less than one hundred nor more than two hundred dollars; clerk, a sum of not less than two hundred nor more than three hundred dollars; marshal, a sum of not less than one hundred nor more than two hundred dollars; constable, not less than one hundred nor more than three hundred dollars. All of said salaries to be paid quarterly, out of the city treasury, on orders duly signed, of money not otherwise appropriated.

Justices of the peace.

§ 8. The city council shall have power to designate one or more justices of the peace in said city, who shall have authority to hear and determine all violations for any breach of the ordinances of said city. The said city of Jerseyville shall constitute a district, in which one justice of the peace shall be elected by the qualified voters of said city, and who shall be commissioned and qualified in all respects as other justices of the peace of this state. He shall hold his office for four years, and in addition to having power to hear and determine all cases arising under this charter, and for a violation of any ordinance of the city council of said city, he shall have and exercise all the powers and authority conferred on justices of the peace by the laws of this state, and shall be entitled to charge and receive the same fees as are allowed by law to other justices of the peace. And in all cases before him, arising under the ordinances of said town, any person or persons charged with a violation of the same, shall be entitled to a trial by

a jury of six lawful men, being citizens of said county of Jersey. The first election for said justice of the peace shall be had on the third Tuesday of April, next preceding the expiration of the term of office of the present acting justice of the peace of the town of Jerseyville; and in the meantime the said justice of the peace of the town of Jerseyville shall continue in office and exercise all the powers conferred by this act on the justice of the peace in this section provided for: *Provided*, that if any vacancy shall occur in said office of justice of the peace, the same shall be filled by a special election to be called and conducted as provided in this act for other special election of officers of said city of Jerseyville. Appeals from any decision of said justice, or trial before him, shall be allowed, by the party entering into bond as provided by law in cases of appeal from other justices of the peace of this state.

§ 9. Execution shall issue immediately on the rendition of judgment. If the defendant have no goods or chattels, lands or tenements, whereof the judgment can be collected, it shall be the duty of the marshal or constable, having such execution, to immediately return the same to the officer issuing the same, and thereupon the said mayor or justice of the peace, shall issue a mittimus to commit him, her or them, to the city jail, or the jail of Jersey county, there to be and remain twenty-four hours, for each one dollar of any such fine and costs, or proceed as the city council by ordinance shall prescribe. Execution.

§ 10. All fines collected for and on behalf of the city, shall be forthwith paid to the city clerk, by the person collecting the same. Fines.

§ 11. All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare generally when brought in a court of record in debt for such penalty or forfeiture, stating the clause of this act, or the ordinance, by-laws or police regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Actions.

§ 12. In all prosecutions for any violation of any ordinance, by-law, police or other regulation or this act, the first process shall be a summons, unless oath or affirmation be made for a warrant. Prosecutors.

§ 13. All officers of the city created conservators of the peace, by this act, shall have power to arrest or cause to be arrested, with or without process all persons who shall break or threaten to break the peace, and to commit them to the county jail or city jail, and there detain them until an examination can be held before the proper officer; and shall have and exercise such other powers as the city council may prescribe. Processes.

- Ordinances to be sealed as evidence in court. § 14. All ordinances may be proven by the seal of the city, and when published or printed in book or pamphlet form, and purporting to be published or printed by authority of the city of Jerseyville, the same shall be received as evidence in all courts and places without further proof.
- Town officers. § 15. All officers of the town of Jerseyville now in office, shall respectively continue in the same until superseded in conformity hereof.
- Town acts not invalidated. § 16. This act shall not invalidate any legal act done by the town council of the town of Jerseyville or by its officers nor divest their successors under this act, of any rights of property or otherwise or liability which may have accrued to or been created by said corporation prior to the offices created by this act, taking possession of their property and effects.
- Disposition of fines, judgments, etc. § 17. All fines, judgments, forfeitures or suits at law, undetermined in behalf of or in favor of the town of Jerseyville, shall be collected and prosecuted by the city of Jerseyville, and when collected shall be paid into the treasury of the city of Jerseyville, and become their sole property.
- Town acts legalized. § 18. All acts or ordinances of the town of Jerseyville, closing alleys or parts of alleys, are hereby legalized and confirmed, and shall not again be opened except as is heretofore provided.
- Town property. § 19. All property now owned by the town of Jerseyville, whether real, personal or mixed, is hereby vested in the city of Jerseyville.
- Acts to be read as evidence in all courts. § 20. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof, in all courts and places.
- § 21. This act to take effect from and after its passage.
- APPROVED February 21, 1867.

In force Feb. 20, 1867. AN ACT to amend "An act to amend an act entitled 'an act to reduce the law incorporating the city of Galena, and the several acts amendatory thereof, into one act, and to amend the same, and for other purposes,'" approved February 6th, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the municipal elections in the city of Galena, shall be held on the first Tuesday in June of each and every year, at which time there shall be elected by the qualified voters of said city, all officers now required to be elected at the general municipal election. The first election shall be held on the first Tuesday in June, 1867.

Officers of corporation—how elected. § 2. The officers of said corporation which are now appointed or elected by the city council, "on the second

Monday of March in each year, or as soon thereafter as practicable," shall be appointed or elected in the manner now provided by law, on the second Monday of June in each year, or as soon thereafter as practicable.

§ 3. The term of office of the mayor and aldermen and of all officers now elected or appointed in and for said city, is hereby extended and shall continue until the first Tuesday in June, 1867, and until their successors are elected and qualified.

Term of office
extended.

§ 4. Section five and section seven of the act to which this is an amendment, approved February 6th, 1865, are hereby amended so as to correspond with this act. Section seventeen of the act to which this is an amendment, approved February 6th, 1865, and an act entitled "an act to amend an act entitled 'an act to reduce the law incorporating the city of Galena and the several acts amendatory thereof, into one act, and to amend the same and for other purposes,'" approved January 30th, 1857, and to equalize the ratio of representation of the towns of east and west Galena, including the city of Galena in the board of supervisors of Jo Daviess county, "approved February 12th, 1861, and all other acts or parts of acts which authorize the several wards in the city of Galena, to elect one supervisor in each ward, and all other acts or parts of acts which conflict with or are inconsistent with this act, are hereby repealed.

Sections
amended.

§ 5. All acts and parts of acts in relation to the city of Galena, not heretofore modified, amended or repealed, shall remain and be in full force, except so far as modified, amended or repealed by this act.

Former acts to
be in force.

This act shall be a public act, and shall take effect on the first day of March, 1867.

APPROVED February 20, 1867.

AN ACT to amend an act entitled "An act to incorporate to city of East In force Feb. Saint Louis." 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The city council shall have power to narrow, discontinue and vacate any street, alley or highway or any part thereof, whenever the same or any part thereof, may become unnecessary for public use, but no street, alley or highway, or any part thereof, which is opened and used as a public thoroughfare, shall be narrowed, discontinued or vacated, without the written consent of the owner or owners, of at least two-thirds of the land or lots adjoining the portion of such street, alley or highway so narrowed, discontinued or vacated.

Streets alleys,
etc.

Condemnation
of private prop-
erty.

§ 2. When it shall become necessary to condemn private property for public use, and the council shall have decided upon such action, the city clerk shall notify the city judge to that effect, and upon such notice the city judge shall, after at least twenty days' notice of such intention, given in the corporation newspapers to parties interested, which notice shall describe the property proposed to be taken, summon a jury of six disinterested freeholders of said city, who shall possess all the qualifications of aldermen and who shall be sworn to make true and just assessment of damages and benefits, as hereinafter provided.

Duty of Jury.

§ 3. It shall be the duty of the jury, first to ascertain the actual value of the land, secondly, the actual value of the buildings and improvements on the land proposed to be taken for the opening, widening, extending or altering of any alley, street, avenue, park or public square, without reference to any benefit from the proposed improvements, then for the payment of such sum, to assess against the city, the amount of benefit to the public generally, not to be less than one-half of the whole award, for value of property taken, and the balance against the owner or owners of property benefited by the opening, widening, extending or altering of such street, avenue, alley, park or square, according to the value of property so assessed and in the proportion that such property may be respectively benefited by the proposed improvement, not to be less than to the middle of the adjoining block, or if not laid out into blocks, to the depth of one hundred and fifty feet, running back from the line of such street as is proposed to be opened, extended or altered, and the sum or sums to be paid by the owner or owners of property, respectively benefited by the improvement, as ascertained by the jury, shall be a lien upon property so charged. The verdict shall be signed by each juror, and be delivered to the city judge, who shall report the same to the council at their next meeting, for their decision, and if no decision is arrived at within three months thereafter, all such condemnation proceedings shall be null and void. Said jury shall consist of six disinterested freeholders of said city, and shall in other respects be subject to the rules governing juries in civil cases. The owner or owners of any building or buildings, or other improvements, standing in whole or in part, upon land condemned for public use, may elect to keep and remove the same, at the value assessed by the jury at any time, not less than ten days previous to the time set by the city for the sale or removal of the same.

Recovery
possession.

of § 4. In all cases where the city seeks to recover from the possession of individuals, any land claimed to belong to the public, which has not heretofore been in the possession of the city, for public use (except in case of condemnation as provided in this act), suit shall be brought by the city, and

judgment obtained for such property in the usual manner, before the city shall be authorized to take possession thereof.

§ 5. An appropriation shall be made by the council to liquidate the claims of parties entitled to damages, for property condemned, and when the amount of such claim is decided upon by resolution of the city council, confirming the award of the jury, no appeal having been taken during the time allowed by law for taking an appeal, or by final judgment of a competent court, in case an appeal is taken and the money collected and ready in the hands of the treasurer, to pay such claims. Twenty days' notice thereof, shall be given by the city clerk, in the corporation newspaper, and the city may then and not before enter upon, take possession and appropriate the property condemned.

Appropriation
to liquidate
claims.

§ 6. All ordinances passed by the city council, shall within one week after they become laws, be published in some newspaper in said city. The council shall cause a correct abstract of its proceedings to be made out, and placed in the office of the city clerk, within thirty-six hours after the meeting, at which such proceedings were had; (where it may at all reasonable hours be examined and copied by any person free of expense, until the same is published,) and shall publish the same within one week after such meeting. Said abstract shall present the substance of all petitions, memorials, remonstrances, motions, propositions, bills, resolutions and orders, and whenever the yeas and nays shall have been taken, on any question, the same shall be entered in full. Communications from the city officers shall be published in full, whenever the council shall so direct; but it shall be so ordered that the expenses of publishing the same document a second time, shall not be incurred. The publication provided for in this section, as well as all other official publications, by order of the city council, or by any officer of the city in pursuance of ordinance shall be made in the paper, which shall publish the same at the lowest price, to be determined once in each year, after public notice, by sealed bids, invited and received by the city clerk, who shall report the same to the council and the publications of the city for the ensuing year shall be made in the paper making the lowest bid, and it shall not be lawful to appropriate or pay out any money for such publications, except in the paper so selected.

Publication of
ordinances.

§ 7. The city council shall, at least once a year, not more than thirty nor less than twenty days before the annual city election, cause to be published in the newspaper employed to do the city printing, a full statement of the receipts and expenditures of the city, of every description, for the current year, including all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of the city revenue, the amount received under each of the several appropriations

Publication of
receipts and
expenditures.

made by the city council, the objects for which the same were made and the sums expended for each, giving specific items, names and dates. The statement shall also include a detailed account of the city property, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

City officers not to be contractors.

§ 8. No member of the city council or officer of the city shall be directly or indirectly interested in or partner of or interested with any one interested in any contract with the city for any public work, or for furnishing materials or supplies to the city, or in any of its institutions.

Mayor.

§ 9. The mayor of said city shall be elected annually, and no person shall be eligible to the office of mayor for any term, who has held the office of mayor in said city the last preceding term, or who does not possess all the qualifications of an alderman.

Qualifications of city officers.

§ 10. Any member of the city council, or other city officer, who ceases to possess the qualifications, or any of them, or becomes subject to any disqualifications mentioned in this act, or the act to which this is amendatory, shall be deemed thereby to have vacated his office.

Appropriation of money by city officers.

§ 11. Any officer or employee of the city, who shall appropriate to his own use, or to the use of any other person, any money or property belonging to the city, or the interest accruing on any such moneys while the same is on deposit, shall, if the amount so appropriated exceed ten (10) dollars in value, be deemed, on conviction, guilty of embezzlement, and be imprisoned in the penitentiary not less than two nor more than five years, and if the amount be less than ten dollars in value he shall, on conviction, be guilty of a misdemeanor, and be punished in the manner provided by law in cases of petit larceny.

Time of opening polls at elections.

§ 12. At all elections for city officers the polls shall not be open before sunrise nor after sunset, and all votes cast before or after the times above specified shall be deemed illegal.

Oath of office.

§ 13. Each and every alderman and city officer, before entering upon the duties of his office, shall make oath in addition to the usual oath, that he is a citizen of the United States and possesses all the qualifications required for his office, and is not subject to any disqualification mentioned in this and the act to which this is amendatory.

Board of health.

§ 14. The council shall have power to appoint a board of health, to consist of three persons, one of whom shall be a reputable practicing physician of the city, and neither of whom shall be a member of the council; they shall be elected by the council, and shall hold their offices, respectively, for one year, and until their successors are duly appointed and qualified, and shall perform such duties as shall be prescribed by ordinance.

§ 15. The appropriations made by the city council during any fiscal year, for improvements and city expenses, shall not exceed the income proper of the city during the same fiscal year, and no obligations for the payment of money shall be entered into during any fiscal year that would cause the expenditures to exceed the income of the city for that year.

Appropriations
for improve-
ments.

§ 16. All city expenses for work, materials or supplies, of the value of one hundred dollars and upwards, shall be given out by contract to the lowest responsible bidder, (who shall furnish proper securities, when required,) after public notice in the corporation newspaper for bids invited and received by the city engineer, who shall report the same to the council unopened, and the contract shall be given to the party making the lowest responsible bid, and no job that can properly be included in one contract shall be divided into parts of less than one hundred dollars each.

City expenses.

§ 17. There shall be established a court of civil and criminal jurisdiction, to be styled "The City Court of East Saint Louis," which shall have a seal, which seal may be altered or changed by the city council.

Court of civil
jurisdiction.

§ 18. The judge of said court shall be appointed by the governor of the state of Illinois, and shall hold his office for four years, and until his successor is commissioned and qualified. The present city judge of East Saint Louis is hereby authorized to continue to act as such until his successor shall be duly appointed and qualified, according to this act.

Appointment of
city judge.

§ 19. No person shall be eligible to the office of judge of said court, unless he is, at the time of his appointment, a citizen of the United States, a freeholder of said city, twenty-five years of age, and has resided in said city one year next preceding his appointment.

Eligibility to of-
fice of city
judge.

§ 20. The judge of said court shall be commissioned by the governor, and qualify as justices of the peace, but enter into an office bond in the sum of two thousand dollars, instead of only one thousand dollars.

Judge's com-
mission and
bond.

§ 21. He shall have and exercise, within the limits of the city, authority to hear and determine all complaints, suits and matters in actions of assumpsit, debt, trespass on the case, trover, replevin, trespass, attachment, distress for rent, and in trials of the right of personal property under the statutes, in all cases where the demand, claim, damages, fine or penalty, or value of the subject matter of suit do not exceed five hundred dollars, and he shall have exclusive jurisdiction in all cases arising under the city charter, or any by-law or ordinance made in pursuance thereof. He may adopt a series of rules regulating the practice in said court.

Judges powers.

§ 22. Changes of venue may be taken from said court to the nearest justice of the peace, in all cases where jus-

Change of ven-
ue.

tices of the peace shall have jurisdiction to hear and determine the same, and in all other cases, except cases arising under the city charter, or any by-law or ordinance made in pursuance thereof, to the circuit court of said Saint Clair county; and where a change of venue shall be taken to the circuit court, application shall be made, and such change of venue shall be taken in the same manner as prescribed for taking changes of venue in the circuit courts of this state.

Time of holding
court.

§ 23. Said judge shall hold a session of his court on every Monday, and shall keep the same open from day to day, if necessary, (Sundays excepted), until all the business before him is disposed of. He shall have power to fine and imprison for contempt of his court, when in session, he shall be entitled to receive the same fees as the circuit clerk of Saint Clair county receives for similar services, and, in addition thereto, may receive such salary from said city as the city council may direct.

Rendition of
judgment.

§ 24. Judgment rendered by the judge of said court shall have the same effect as judgment rendered by justices of the peace, transcripts of which may be filed with and recorded by the circuit clerk of Saint Clair county in the same manner as from justices of the peace, and transcripts shall have the same force and effect against and lien upon real estate, that transcripts of justices of the peace have, or may have, of said county, except judgments rendered in cases arising under any by-law or ordinance of said city.

Practice and
process.

§ 25. The practice in, and writs and process of said court shall conform, as near as practicable, to the practice before, and writs and process issued by justices of the peace.

Appeals.

§ 26. Appeals may be taken from the decision of said judge to the circuit court of Saint Clair county, in the same manner as appeals are taken from justices of the peace.

Vacancy.

§ 27. In the event that the said judge shall be removed from office, or the said office otherwise become vacant, or should he be absent from the city, or sick or unable to attend to the duties of his office, the council shall, and is hereby authorized, to appoint one of the justices of the peace, in said city to preside in the place and in stead of said city judge in all cases concerning violations of ordinances of said city, during his absence, or until such time as his successor shall be duly appointed as herein provided.

City marshal's
duties.

§ 28. The city marshal and his deputies shall be the executive officers of the city court, but the marshal, before entering upon the duties of his office, shall qualify and be commissioned, as county constables are, except that instead of one thousand dollars, he shall enter into an official bond of five thousand dollars, and shall be entitled to receive the same fees, for serving the process and writs of said court, as the sheriff of Saint Clair county is by law entitled to for serving process and writs issued by the circuit court of Saint Clair county, and he may, in addition thereto, receive

such salary from said city, as the city council may direct. He, and his deputy or deputies, shall have the same power and authority to execute all process issuing from said court as the sheriff of Saint Clair county has to execute similar process issuing from the circuit court.

§ 29. The city judge shall keep a fee book, in which he shall enter, or cause to be entered, all fees received by him, which book shall be open to public inspection at all reasonable hours. Fee book.

§ 30. Sections six and seven of article I, section six of article IV, and all other sections and parts of sections in the act to which this act is amendatory, and all ordinances, rules and regulations passed under and by virtue thereof, which are contrary to, or inconsistent with the provisions of this act, are hereby repealed. Prior acts repealed.

§ 31. This act shall take effect from and after its passage.

APPROVED February 22, 1867.

AN ACT to incorporate the City of Carlinville.

In force Feb'y
22, 1867.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of Macoupin, state of Illinois, included within the present limits of the city of Carlinville, shall be a body corporate and politic under the name and style of the "City of Carlinville," and by that name shall have perpetual succession, and may have and use a common seal, which they may use and alter at pleasure. Name and style.

§ 2. Whenever any tract of land adjoining the city of Carlinville shall be laid off into town lots, and duly recorded, according to law, the same shall be annexed to and form a part of the city of Carlinville. Additions.

§ 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity in this state, in all actions whatsoever; to purchase, receive and hold property, both real and personal, within said city, to purchase, receive and hold property beyond the city for burial grounds and for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of the city, to improve and protect such property, and to do all things in relation thereto as natural persons. Corporate powers.

ARTICLE II.

- Mayor and aldermen.** § 1. There shall be a city council to consist of a mayor and board of aldermen.
- No. of board.** § 2. The board of aldermen shall consist of six members to be chosen by the qualified voters of the city.
- Qualifications of aldermen.** § 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at least twenty-five years of age, a citizen of the United States, and also a resident of the ward in which he is elected, should the city at any time be so divided.
- Vacation of office.** § 4. If any aldermen shall, after his election, remove from the city, his office shall be declared vacated.
- Contested election.** § 5. The city council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.
- Absent members.** § 6. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by the ordinances of said city.
- Rule of proceedings.** § 7. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and by the concurrence of two-thirds of the members elected, expel a member.
- Journal of proceedings.** § 8. The city council shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.
- Aldermen not to hold other office.** § 9. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.
- Vacancies.** § 10. All vacancies that shall occur in the board of aldermen shall be filled by election.
- Oath of office.** § 11. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability, and which shall be filed with the clerk.
- Ties.** § 12. Whenever there shall be a tie in the election of alderman, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as may be provided by ordinance.
- Number of the meetings of the council annually.** § 13. There shall be twelve stated meetings of the council in each year, at such times and places as shall be prescribed by ordinance.

§ 14. The city council shall annually cause a full statement of the finances of the city, including an exhibit of the receipts from all sources, and disbursements made, and upon what account paid, to be made by the clerk, an abstract of which shall be published in the city papers. Statement of
finances, etc.

ARTICLE III.

OF THE MAYOR.

§ 1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall have not been a resident of the city for one year next preceding his election, and who shall be under twenty-five years of age, or who shall not, at the time of his election, be a citizen of the United States. Qualification.

§ 3. If any mayor shall, during the time for which he may have been elected, remove from the city, his office shall be considered vacated. Removal.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance. Ties to be de-
termined by
lot.

§ 5. Whenever the election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance. Contested elec-
tion.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election, the clerk giving at least ten days' notice of the time and place of holding such election. Vacancy.

§ 7. The mayor shall preside at all meetings of the city council, and take care that the ordinances of the city are duly enforced, respected and observed, and that all the executive officers of the city discharge their respective duties. He shall have a salary of not less than two hundred and not more than five hundred dollars per annum, in full compensation of all official services devolved upon him by this or any subsequent act. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of absence or sickness, the city council shall appoint, by ballot, one of its number to preside over its meetings, whose official designation shall be "Acting Mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy shall be filled by a new election. Duties.

§ 8. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid Enforcing ordi-
nances.

in enforcing the laws and ordinances, and, in case of riot, to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call, shall forfeit to said city a fine not exceeding five dollars.

Jurisdiction.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

ARTICLE IV.

OF THE OTHER OFFICERS OF THE CORPORATION AND THEIR DUTIES.

Other officers.

§ 1. The other officers of the corporation shall be as follows: A clerk, a treasurer, a street inspector, a marshal, a weigher and measurer, an attorney, a police magistrate, an assessor, a collector, and as many policemen, keepers and assistants, of workhouses, and such other officers and agents as may be provided for by this act, or the city council may, from time to time, appoint.

Clerk.

§ 2. The clerk shall keep the corporate seal, and make a record of the proceedings of the city council, at whose meetings it shall be his duty to attend, and copies of all papers, duly filed in his office, and transcripts from the records of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts and other places, in like manner as if the originals were produced. He shall, also, be authorized to administer any oath, authorized to be administered by the laws of this state or the ordinances of the city.

Attorney.

§ 3. The city attorney shall, subject to the direction of the city council, conduct all the law business of the corporation. He shall hold his office in such place as the city may provide, and, when required, shall furnish written opinions upon subjects submitted to him by the mayor or city council. He shall, also, draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city, and perform such other duties as may be prescribed by the charter and ordinances of the city.

Marshal.

§ 4. The city marshal shall have power and authority to execute all process issued for the breach of any ordinance of said city, and for that purpose his power and authority shall extend over the county of Macoupin, and shall have the same power, jurisdiction and authority within the limits of said city as constables under the laws of this state.

Sureties.

§ 5. Every person appointed or elected to the office of marshal shall, before he enters upon the duties of his office, with two or more sureties, to be approved by the city council, execute, in presence of the clerk of the city, a bond, by

which said marshal and sureties shall jointly and severally agree to pay to the city of Carlinville, for the use of any person who may be entitled thereto, all such sums of money as the said marshal may be liable to pay by reason or on account of any summons, execution, distress warrant, or other process which shall have been delivered to him for collection. The clerk shall certify the approval of the city council on such instrument and file the same, and a copy certified by the clerk, under the corporate seal, shall be presumptive evidence, in all courts, of the execution thereof by such marshal and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which the marshal therein named was appointed or elected, and may be brought in the name of the city, for the use of the person or persons entitled to the money collected by virtue of such instruments.

§ 6. The powers and duties of all the other officers of said corporation, not defined by this act, shall be as prescribed by the ordinances of said city, and they shall give such bonds and under such penalties, as the city council may determine, or prescribe by ordinance. Bonds, etc.

ARTICLE V.

ELECTIONS.

§ 1. On the first Tuesday in the month of April, A. D. 1867, there shall be held at the court house or at such other place within said city, as may be prescribed by ordinance, an election for one mayor and six aldermen, for said city, who shall hold their respective offices as hereinafter provided, and until their successors are elected and qualified. Elections.

§ 2. At the first regular meeting of the city council elected under the provisions of this act, the aldermen so elected, shall be divided by lot into two classes; the seats of those of the first class, shall be vacated at the first annual election thereafter, and of those of the second class at the second annual election, so that three aldermen shall be elected annually thereafter. Division of aldermen.

§ 3. On the first Tuesday in the month of April, 1868, and annually thereafter, there shall be held at such place within said city, as the city council may provide, an election for one mayor and three aldermen, for said city. The aldermen so elected shall hold their offices for two years, and shall be designated as aldermen of the second class; those holding over from the preceding election, having by lapse of time become the first class. Time of holding.

§ 4. All elections shall commence at nine o'clock, before noon, and close at five o'clock in the afternoon. Hours of election.

§ 5. The city council shall at its first regular meeting, in the month of March next, and annually thereafter, appoint three judges of election for said city, who shall be le- Judges of election, and their duties.

gal voters, and who shall hold their offices for one year, and until their successors are elected and qualified. They shall also constitute the "board of registry," under the registration laws of this state. They shall appoint their own clerks, receive the votes, and conduct said election according to the laws of this state, and shall lay one copy of their poll books, duly certified, before the city council, at a meeting to be held by said council on the Wednesday next succeeding said election; and the city council at such meeting, shall proceed to open said poll books, canvass the same, and declare the result of said election. So soon as the result has been so declared, and the business of the meeting shall be completed and ended, and the clerk has reported that the official oaths of the members of the council elect, are on file in his office, the mayor shall direct the clerk to call the roll made up from the records of his office, of the names of the members elect of the new council. Should a quorum of the new council be present, the mayor shall declare the council adjourned *sine die*, whereupon the members of the new council shall take their seats. The roll of members shall be called by the clerk, when the presiding officer shall announce that the council is duly organized and now ready for business. Should no quorum of the members of the city council elect be present, the mayor may order the marshal to summons the absentees forthwith, or should the council so determine, adjourn the same to a day fixed, and until a quorum of the members of the council elect shall be present, when the mayor shall adjourn the council *sine die*, and the organization of the new council shall take place as aforesaid.

Absentees, etc.

Qualifications of voters.

§ 6. All the inhabitants of said city shall be entitled to vote for city officers, who are qualified to vote for state officers, and who shall have resided in said city for thirty days preceding such election. Every voter who shall be required by any person qualified to vote at any such election, shall take the following oath before being permitted to vote. I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution) and a resident of this city for thirty days immediately preceding this election, and have not voted at this election.

Police magis-
trate.

§ 7. At the annual election in said city, on the first Tuesday in the month of April, A. D. 1867, and every four years thereafter, there shall be elected one police magistrate, to be elected and qualified as provided by an act entitled, "an act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, and all the provisions of said act, are hereby declared applicable to said police magistrate.

Wards.

§ 8. The city council elected at the annual election to be held on the first Tuesday in the month of April, 1867, or the city council elected at any annual election thereafter,

may by ordinance lay off and divide said city into three or more wards, as nearly equal in population as practicable, having a due regard to contiguity of territory, and particularly describing the boundaries of each. The city council may also provide that at the annual election to be held on the first Tuesday in the month of April, 1868, or at any annual election to be held thereafter, an election shall be held, the place of holding the same to be designated, in each of the wards of said city for one mayor, and any other officer, whose office is made elective by this act, for the city at large, and two aldermen for each ward, who shall be residents of the particular wards in which they are elected, and possess the qualifications of aldermen prescribed in this act.

§ 9. The city council shall at its first regular meeting in the month of March next ensuing, after said city shall have been divided into wards as aforesaid, and at its first regular meeting in the month of March annually thereafter, appoint three judges of election in each of the wards of said city, who shall be legal voters and residents of their respective wards, and who shall hold their offices for one year, and until their successors are appointed and qualified. They shall also constitute the "board of registry" under the registration laws of this state. They shall appoint their own clerks, receive the votes, and conduct said election according to the laws of this state, and shall lay one copy of their poll books duly certified, before the city council, at a meeting to be held by said council, on the Wednesday next succeeding said election; and the city council shall at such meeting proceed to open said poll books, canvass the same, and declare the result of said election. Judges of election in wards.

§ 10. After said city shall have been divided into wards as aforesaid, all voters shall give their votes in all city elections, in the wards in which they respectively reside and no others, and no vote shall be received at any of said elections, unless the person offering such vote shall have been an actual resident of said ward where such vote is offered, at least ten days preceding such election. All persons illegally voting at any election under this act, shall be punishable under the laws of this state. Voting in wards

§ 11. At the first regular meeting of the city council elected after the said city shall have been divided into wards as aforesaid, the aldermen shall be divided into two classes, by lot. The seats of those of the first class shall be vacated at the first annual election, and of the second class, at the second annual election, so that one alderman in each ward shall be elected annually thereafter: *Provided*, that at the first annual election held after the city has been divided into wards as aforesaid, the seats of aldermen elected under the provisions of the first and third sections of this article, shall be vacated. Division of aldermen.

Vacancy.

§ 12. Whenever a vacancy shall occur after said city has been divided into wards as aforesaid, in the office of mayor, police magistrate or alderman, the city council shall provide by ordinance for filling such vacancy.

ARTICLE VI.

OF THE POWERS OF THE CITY COUNCIL.

Levying and
collecting tax-
es.

§ 1. The common council shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said city, which is now or hereafter may be, subject to taxation for state or county purposes, not exceeding one per cent. per annum, upon the assessed value thereof, and may assess and enforce the collection of the same, by any ordinance not repugnant to the constitution and laws of this state, or of the United States; or said council may, if they think proper so to do, by order, resolution or ordinance, adopt the annual assessment made of the property of said city by the county assessor, and cause the same to be collected by the county collector.

Assessments
and extension
of taxes.

§ 2. If said council shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is, by law to extend the tax by existing laws, notice of their determination so to do, which notice shall be a copy of their records, and also the rate of taxation; and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act, as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent said corporation from providing for the assessment and collection of such taxes by ordinance.

Games and
gaming.

§ 3. The city council shall have power and authority to prevent and restrain every kind of fraudulent device and practice; to prohibit and restrain all descriptions of gaming and fraudulent devices and all playing with dice, cards and other games of chance, with or without betting.

Ardent spirits.

§ 4. To license and regulate the selling or giving away of any ardent spirits and intoxicating drinks, by any shop keeper, tavern keeper, grocer or any person; to forbid the selling or giving away of ardent spirits or other intoxicating drinks to any minor or apprentice or servant without the consent of his or her parents, guardian, master or mistress.

Auctioneers,
merchants,
taverns, etc.

§ 5. To license, tax and regulate auctioneers, merchants, retailers, grocers, eating houses, peddlers, taverns, whether selling by sample or otherwise, brokers, money changers, insurance agents and companies and hawkers; to license,

tax, regulate, restrain and prohibit theatrical and other exhibitions, shows, amusements and gift enterprises.

§ 6. To restrain, prohibit and suppress gaming houses, Exhibitions.
bawdy houses and other disorderly houses, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

§ 7. To prevent any riot, noise, disturbance or disorderly assemblage. Riots, etc.

§ 8. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, stable, barn, privy, Nauseous and unwholesome establishments
sewer or other unwholesome, nauseous house or place; to clean, remove or abate the same from time to time, as often as may be necessary for the health, comfort or convenience of the inhabitants of said city.

§ 9. To direct the location, management and construction of, and regulate, license, restrain, abate and prohibit, Distilleries and breweries, etc.
within the city and the distance of one mile therefrom, distilleries, breweries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

§ 10. To establish and regulate markets, market houses Markets.
and other public buildings, and provide for their erection and determine their location.

§ 11. To regulate, prohibit and license butchers and to Butchers.
revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city.

§ 12. To regulate the keeping, storing and conveying Combustibles.
of gunpowder and other explosive, combustible or dangerous compounds or articles and the use of candles and lights in barns, stables and out-houses.

§ 13. To prevent horse-racing, immoderate riding or driving in the streets or squares, and to authorize persons Horse racing and fast driving.
immoderately riding or driving, as aforesaid, to be stopped by any person, and to punish or prohibit the abuse of animals.

§ 14. To compel persons to fasten their horses, mules Fastening of horses and other animals.
or other animals attached to vehicles or otherwise, while standing or remaining in the streets lanes or squares. To prevent the encumbering of the streets, sidewalks, Encumbrances.
lanes, alleys, squares, and to restrain and prohibit persons from riding, driving, leading or standing of any animal on the sidewalk, and to prevent any crossing from being encumbered with horses, vehicles or anything else.

§ 15. To prevent any obscene or indecent exhibition, Obscenities.
caricature, placard, exposure or conduct; to restrain and punish vagrants, mendicants, street beggars and prostitutes Vagrants.
and to punish any person for being drunk upon the streets, lanes, alleys or squares.

- Animals at large** § 16. To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, geese, chickens, turkeys and pigeons, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals, for a violation of any ordinance in relation thereto.
- Dogs.** § 17. To prevent and regulate the running at large of dogs, to tax and authorize the destruction of the same when at large contrary to ordinance.
- Balls and kites.** § 18. To prevent and regulate the playing of ball, flying of kites or any other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses.
- Contagious diseases.** § 19. To make regulations to prevent the introduction or spread of contagious and infectious diseases into the city and within two miles of the same.
- Alleys, lanes and squares.** § 20. To control, regulate, repair, amend and clean the lanes, alleys, squares, bridges, side and cross walks; to open, establish, widen, straighten and vacate streets, lanes and alleys, and to establish and alter the grade thereof, and to prevent the encumbering of the streets in any manner, and protect the same and the bridges from any encroachment or injury, and to compel all persons to keep the snow, ice, dirt and other obstructions from the sidewalk in front of the premises owned or occupied by them.
- Nuisances.** § 21. To abate and remove nuisances and to punish the authors thereof, and to define and declare what shall be a nuisance, and authorize the summary abatement thereof.
- Cemeteries.** § 22. To regulate the burial of the dead; to purchase, lay out and ornament grounds within or without the city limits, for cemetery purposes, and to make such rules and regulations concerning the same as may be required.
- Lumber yards.** § 23. To regulate and prohibit the establishment of lumber yards, or the placing, piling, or selling lumber, timber, wood or other combustible material within the fire limits of said city.
- § 24. To regulate partition fences.
- Public scales.** § 25. To establish and regulate public scales; to provide for the inspection and weighing of hay and stone-coal, and for the measurement of wood and fuel to be used in the city.
- Enumerations.** § 26. To provide for taking the enumeration of the inhabitants of said city.
- Elections.** § 27. To regulate the election of city officers, define their duties and provide for the removal of any person holding office under the ordinances; to fix the fees and compensation of all city officers, jurors witnesses and others for services under this act or any ordinance.
- Fines and penalties.** § 28. To impose fines, penalties and forfeitures for the breach of any ordinance and to provide for the recovery

and appropriation of such fines and forfeitures and the enforcement of such penalties.

§ 29. To prevent the firing of squibbs, rockets, guns, fire-arms or other explosive compounds or combustibles within said city. Firing of guns.

§ 30. To compel every male inhabitant of said city above the age of twenty-one years to perform three days' labor on the streets, lanes, alleys and squares every year. Street labor.

§ 31. To regulate the place and manner of selling fish, and to prevent the sale of unwholesome provisions; to restrain and prohibit the sale of drugged and mixed and impure liquors, and to restrain and prohibit groceries and other places of business from keeping open on the Sabbath or election day or night time. Fish
Impure liquors.
Sabbath day.

§ 32. To dig, construct and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water. Pumps and wells, etc.

§ 33. To establish and regulate public pounds.

§ 34. To erect lamps and provide for lighting the city. Lamps.

§ 35. To direct and regulate the planting and preserving of ornamental and shade trees, in the streets, cemeteries and public grounds. Ornamental and shade trees.

§ 36. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and prevention of disease; to erect or lease one or more pest-houses within or without the limits of said city, and to remove all persons afflicted with any contagious or infectious disease to said pest-houses or hospitals, and to make rules and regulations for the same. Health regulations.

§ 37. To compel the owner of any animal which shall die in said city to remove and bury the same beyond the limits of said city; to prevent any person from bringing, depositing, or having within the limits of said city any unsound carcass or unwholesome substance. Dead animals.

§ 38. To compel parents and guardians of children to keep them out of the streets and squares and away from the railroads and depots in said city. Running at large of children.

§ 39. To declare what shall be malicious mischief, and to punish any person who shall be guilty thereof. Malicious mischief.

§ 40. To provide for the punishment of offenders against any ordinance of said city by imprisonment in the county jail or city calaboose, or by compelling them to [labor] in the work-house or on the streets or squares of said city; in all cases where such offenders shall fail or refuse to pay the fines or forfeitures which may be assessed against them, and when any person or persons shall be committed to the jail of Macoupin county for a violation of any of the ordinances of said city, it shall be the duty of the sheriff or jailor of said county to receive in such jail any such person or persons: *Provided*, that the said city shall pay the board and jail fees of any such person while detained as aforesaid. Punishment of offenders.

§ 41. To appoint an efficient police force, and to make rules and regulations for the government of the same.

Affrays and assaults, etc.

§ 42. To suppress all riots, affrays, assaults, and batteries, drunkenness, quarrelling, open and notorious lewdness or other public indecencies; and no prosecution or conviction for any offence under the laws of this state shall be a bar to prosecutions for fines, penalties or forfeiture for the breach of any ordinance of said city.

Sewers! and drains,

§ 43. To have charge of and superintendence of the sewers and drains of said city, and of all works pertaining thereto, and for that purpose they shall have jurisdiction and authority for one mile beyond the limits of said city.

Cesspools,

§ 44. To construct and regulate the construction of cesspools, and provide for the drainage of cesspools and privies under such rules, regulations and notices as they may deem proper and right.

Boundaries.

§ 45. To establish, alter or enlarge the boundaries of said city; to increase or alter the number of wards in said city, and to provide for the election of additional aldermen therein, whenever the city shall have been divided into wards; to pave or macadamize the streets and squares in said city; to construct sidewalks in front of or adjoining the lots on the public streets or squares of said city, and to prescribe by ordinance for paying for the same in any manner not inconsistent with the constitution of this state.

Billiard tables, ten pins, etc.

§ 46. To license, tax, regulate or prohibit billiard tables, ten pin or other pin or bowling alleys, ball alleys, pigeon-hole tables, shooting galleries, or other tables, alleys, galleries, or thing or things used to play or bet upon.

Exemption from costs.

§ 47. The city of Carlinville is hereby exempted from the payment of all costs incurred in the prosecution of suits for the violation of the ordinances of said city, and no costs shall be recovered against said city, whether successful or unsuccessful in any of such suits.

Indebtedness.

§ 48. The city council shall have power to borrow money on the credit of the city for the purchase of sites and the erection of public buildings.

Vehicles, etc.

49. To license, tax and regulate hacks, carriages, vehicles, wagons, carts and drays, and fix the rates to be charged for the carriage of persons or property within said city or for two miles beyond said city.

Stock subscription.

§ 50. That the city of Carlinville, through the mayor and common council of said city, are hereby authorized and empowered to subscribe to the capital stock of any joint stock company now organized or which may hereafter be organized, for the purpose of erecting a hotel in said city, any amount not exceeding twenty-five thousand dollars; to the capital stock of any joint stock company now organized or which may hereafter be organized for the purpose of constructing a street railway in said city, an amount not exceeding ten thousand dollars; and to the

capital stock of any gas light and coke company now organized or which may hereafter be organized in said city, an amount not exceeding ten thousand dollars. And for the purpose of paying such subscription, said city of Carlinville, by the mayor and common council of said city, is hereby authorized and empowered to levy and collect a special tax on all the personal and real estate in said city, such tax to be levied and collected as other corporation taxes.

§ 51. The mayor and common council of the said city of Carlinville, when any stock shall be subscribed for by them as authorized and provided for in the foregoing section, may issue the bonds of the city, signed by the mayor and countersigned by the city clerk, under the seal of the city, to the amount of the stock taken, in such sums, and payable at such times and places, as the common council shall determine; to bear interest at a rate not exceeding ten per cent. per annum, to be paid yearly or half-yearly, at the option of the common council, for the purpose of paying for such stock so taken and subscribed, and may apply the taxes so assessed and collected as herein provided for toward paying such bonds or the interest thereon. City bonds.

ARTICLE VII.

OF PROCEEDINGS FOR OPENING STREETS, ALLEYS, LANES, ETC.

§ 1. Whenever any street, alley, highway, public ground or square is proposed to be opened, laid out, altered, widened or straightened by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner or owners thereof by publishing said notice for ten days in some public newspaper in said city, at the expiration of which time they shall choose by ballot three disinterested freeholders residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively. A majority of all the aldermen authorized to be elected shall be necessary to a choice of such commissioners. Opening streets and alleys.

§ 2. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities before entering upon the discharge of the same, which oath may be administered by any officer authorized by the laws of this state to administer oaths. They shall give at least five days' notice to all persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessments, which notice shall be given personally if the owners are residents and known, or publication in some public newspaper published in the city, if non-residents or unknown. They Commissioners' oath and duties.

shall view the premises, and in their discretion receive any legal evidence, and may if necessary adjourn from day to day.

Damages and
benefits.

§ 3. Said commissioners shall inquire into, and, to the best of their ability, ascertain the damages each person having an interest in the land to be appropriated will sustain, and also the benefits he or she will derive from or on account of the appropriation contemplated by the city council; and in each case when the damages to be ascertained shall exceed the benefits to be ascertained, said commissioners assess as the compensation to be paid by said city to the person interested, for his or her interest in said land, the amount such damages shall exceed such benefits; and in each case when such damages shall be less than or only equal to such benefits, no compensation shall be assessed by said commissioners. And said commissioners shall make a report in writing under their hands, designating the lands to be appropriated, and the purpose for which the same is to be appropriated, and the respective amounts which shall have been so assessed by them as aforesaid, and the persons respectively entitled to the same; which report they shall, immediately on the same being made, file in the office of the city clerk, who shall, at the next regular meeting of the city council, present the same to said council.

Objections, etc.

§ 4. The city council shall at said meeting consider said report, and shall hear any objections against the same, and should they decide the amount of damages assessed not unreasonable, and that said improvement is called for by the interests of said city, and that the city finances will justify the same, they will approve said report, and order the damages to be paid.

§ 5. The city clerk shall record in a book, to be kept for the purpose, all the aforesaid proceedings.

Appeals, etc.

§ 6. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley, or other highway or public ground, to the circuit court of Macoupin county, upon filing bond at any time within twenty days from the passage of said final order, and the city clerk, in the penal sum of five hundred dollars, with good and sufficient security, payable to the city of Carlinville, to be approved by said clerk, conditioned as bonds on appeal from the judgments of justices of the peace. Upon the filing of said bond, all further proceedings shall be stayed, and the city clerk shall, within fifteen days from the filing of said bond, return to the office of the clerk of the circuit court of said county a certified copy of the proceedings in relation to said assessment.

Filing of bond.

Appropriation
of lands.

§ 7. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall

not be appropriated until the damages awarded therefor to any owner thereof under this act shall be paid or tendered to such owner or his agent, or, in case such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer, and then, and not before, the lands may be taken and appropriated for the purpose required in making such improvement; and such streets, alleys, highway, public ground or square, shall then be made or opened, and the interests of all such persons in the land to be appropriated shall vest in said city, for the uses and purposes determined upon by said council.

§ 8. When any known owner residing in said city or elsewhere shall be an infant, and without a guardian, and any proceedings had under this act shall render it necessary, the county court of Macoupin county, or the judge thereof in vacation, may, upon the application of the mayor of said city, of such infant, or of his next friend, appoint a guardian for such infant, taking bond and security, as now provided by law, from such guardian, and all personal notices and summonses required by this act may be served on such guardian. Infant.

ARTICLE VIII.

SCHOOLS.

§ 1. The city council shall have jurisdiction of the public schools in said city, and shall have power—

First.—To erect, hire or purchase buildings suitable for school houses, and keep the same in repair.

Second.—To buy or lease sites for school houses, with the necessary grounds.

Third.—To furnish schools with the necessary fixtures, furniture and apparatus.

Fourth.—To maintain, support and establish schools, and supply the inadequacy of the school funds for the salaries of teachers from school taxes.

Fifth.—To employ teachers and fix the amount of their compensation.

Sixth.—To prescribe the school books to be used, and the studies to be taught in the different schools.

Seventh.—To lay off and divide the city into school districts, and from time to time, to alter the same and create new ones, as circumstances may require.

Eighth.—To levy, assess and collect upon all property, real, personal and mixed, in said city, which is now or hereafter may be subject to taxation, for state or county purposes, a tax for the purposes aforesaid, to be assessed and collected in the same manner as all other taxes. To issue bonds for the purpose of building, furnishing and repairing school houses, or purchasing sites for the same, and to provide for the payment of said bonds; to borrow

chools.

Funds.

Districts.

Taxes.

money for school purposes, upon the credit of the city, and generally to have and possess all the rights, powers and authority necessary for the proper management of schools, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

Additional powers of council.

§ 1. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state, and of the United States.

Style of ordinances.

§ 2. The style of the ordinances of the city, shall be, "Be it ordained by the city council of the city of Carlinville, and all ordinances shall within one month after they are passed, be published in a newspaper printed in said city, or by posting copies of the same in four public places, in said city, and the certificate of said publisher of such newspaper or of the clerk of the city council under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

Proof.

§ 3. All ordinances may be proven by the seal of the corporation, and when printed in book or pamphlet form and purporting to be published by authority of the corporation, the same shall be received in all courts and places without further proof.

§ 4. All courts for the recovery of penalties for the breach of any ordinance of said city, shall be in the form of an action of debt, before the police magistrate, or before any other justice of the peace of said city, and changes of venue and appeals shall be allowed, as in other causes before other justices of the peace.

Power of marshal and policemen.

§ 5. The marshal and policemen elected or appointed under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinances of said city, and in any suit commenced before the public magistrate or other justice of the peace in which the city is a party, and for that purpose, their power and authority shall extend over the county of Macoupin, and they shall have the same power and authority within said city as constables have under the laws of this state, and shall give bonds and qualify as said city council shall by ordinance prescribe.

Suits, etc.

§ 6. All suits for fines, penalties and forfeitures, in and for the violation of any ordinance of said city, shall be in the name of the city of Carlinville; and the said corporation shall have power and authority by ordinance to regulate and prescribe the form and nature of the first and any subsequent process, and the mode of executing the same.

§ 7. The city council, for the purpose of providing against the calamities of fire, shall have power to prescribe the limits within which wooden buildings and structures shall not be erected, placed or repaired, without permission; and to direct that any and all buildings within the limits prescribed, shall be made or constructed of fire proof materials; and to prohibit the repairing of any wooden or other building or structure not fire proof, within the fire limits where they shall have been damaged or depreciated in value to the extent of fifty per cent. of the original value thereof, and to prescribe the manner of ascertaining such damages, and depreciation, and to prescribe the notice thereof to the owner or occupant of the premises.

Wooden build-
ings.

§ 8. The city council shall have full power to organize fire, hose, hook and ladder and axe companies, and to make all rules and regulations for the same, and to do all acts not inconsistent with the constitution of this state, and of the United States; to prevent and extinguish fires, and impose such penalties for a violation of any ordinance in relation thereto, as they may deem just and fit.

Fire depart-
ment.

§ 9. All ordinances, rules and regulations now in force in the city of Carlinville, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the city council of said city, after this act shall take effect.

Prior ordinan-
ces.

§ 10. All property, real, personal and mixed, heretofore belonging to the town of Carlinville, and also all property, the title to which was in the president and trustees of the town of Carlinville, for the use of the inhabitants of said town, and all property vested in the city of Carlinville, under the act of February 16, 1865, is hereby vested in the city of Carlinville, created by this act, and the officers elected under the provisions of the said act of February 16, 1865, shall continue in the same until superseded in conformity to the provisions hereof, and said officers shall be governed by this act.

Property vested
in the city, etc.

§ 11. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accrued to the city of Carlinville, under the act of February 16, 1865, shall be prosecuted in the name of the city of Carlinville, as created by this act, and all the rights, debts and liabilities, both in law and equity, arising from such liabilities to the said city of Carlinville, shall vest in and belong to the city of Carlinville, hereby created.

Prosecutions.

§ 12. This act shall not invalidate any legal act done by the president and trustees of the town of Carlinville, nor by the said city of Carlinville, under the act of February 16, 1865, and all acts done by the common council of said city of Carlinville, in the erection of the new school house in said city, and issuing bonds for the payment of the same, are hereby legalized and confirmed.

Act not to in-
validate pre-
vious acts.

Justices of the
peace.

§ 13. All marshals, policemen, and police magistrates, in said city, are hereby declared to be conservators of the peace, and they shall have power and authority to arrest or cause to be arrested, all persons who shall break any ordinance of said city, and if necessary detain such persons in custody over night or during the Sabbath day, or while any such person may be intoxicated, in the county jail or other safe place, to be selected by such peace officers, and shall have and exercise such other powers as the city council may prescribe.

Exemption
from road la-
bor.

§ 14. The inhabitants of the city of Carlinville, are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to pay laborers to work on the same.

Conflicting acts
repealed.

§ 15. All acts and parts of acts, coming within the provisions of this act, or inconsistent with the same, are hereby repealed.

§ 16. This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED February 22, 1867.

In force Feb-
22, 1867.

AN ACT to amend an act entitled "An act to amend an act, entitled 'an act to incorporate Metropolis city,'" approved February 25, 1845.

Fifth and sixth
lines in section
2, article 8th,
amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following words, to-wit: "a copy of said ordinance is delivered to such owner," appearing in the fifth and sixth lines of section two (2), article eight, are hereby amended to read as follows: "the ordinance requiring such work to be done is in force."

Streets and
squares.

§ 2. The city council shall have power to extend Metropolis street through "Washington Square," between Third and Fourth streets, and to use any portion of said square upon which to erect "Market Houses" or other public buildings.

Extension of
city limits.

§ 3. The city council shall have power to extend the corporate limits of the city, by ordinance, one mile from the east door of the court house, east, west, north and south, in conformity with the original plat, and any and all subdivisions of lots and blocks which is now, or may hereafter be added to the town plat, or any part of which may be offered for sale, as an addition to said plat, whether recorded as such or not.

This act to be in force from and after its passage.

APPROVED February 22, 1867.

AN ACT to incorporate the city of Mendota.

In force Feb'y
22, 1867.

ARTICLE I.

ON BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of the following described tracts of land, situated in the county of LaSalle, and state of Illinois, to-wit: The south half of section twenty-eight, the east half of section thirty-two, and all of section thirty-three, in township thirty-six north, of range one east of the third principal meridian, together with that portion of the north-east quarter of section four, in township thirty-five north, of range one east of the third principal meridian, known as Teed's addition to the town of Mendota, is hereby incorporated and erected into a city, by the name of the "City of Mendota," and all such tracts of land adjoining any of the above described tracts which may be hereafter laid out into town lots, platted and recorded, shall, as soon as the same may be recorded, become a part of the city hereby incorporated. Boundaries.

§ 2. The inhabitants of said city shall be a corporation by the name of "The City of Mendota," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city. Name.

§ 3. The president and board of trustees of the present town of Mendota, shall, on the second Monday of March next, divide the said city of Mendota into four wards, as nearly equal in population as practicable, particularly describing the boundaries of each ward. Wards.

The city of Mendota shall be divided into four wards, the boundaries of which shall be fixed by the city council, and shall be, by the city council, changed from time to time as they shall see fit, having regard to the number of her white male inhabitants, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof. City officers.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and three aldermen from each ward. The other officers of the corporation shall be as follows: A city clerk, a city marshal, a Term or office.

city treasurer, a city attorney, a city assessor and collector, a city surveyor and engineer and a city supervisor, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall, also, be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance.

Proviso. § 2. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until the election or appointment and qualification of their successors respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the second Monday of May in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired time only, and until the election or appointment and qualification of their successors.

Aldermen. § 3. The several wards of the city shall be represented in the city council by three aldermen from each ward; who shall be *bona fide* residents thereof, and hold their offices for three years from and after their election, and until the election and qualification of their successors. They shall be divided into three classes, consisting of one alderman from each ward, so that one from each ward shall be elected annually. At the first meeting of the city council after the annual election in April next, the aldermen shall be divided into three classes, by lot, the terms of office of those of the first class shall expire in one year, of those of the second class in two years, and of those of the third class in three years.

Vacancies. § 4. If, from any cause, there shall not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, for any cause, the officers herein named shall not be appointed on the second Monday of May in each year, the city council may adjourn from time to time, until such appointments are made. If there should be a failure, by the people, to elect any officers herein required to be elected, the city council may, forthwith, order a new election.

Removal of officers. § 5. Any officer elected or appointed to any office, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no

officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charge, then the city council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council—such officer may be removed at any time, by a vote of two-thirds, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges, when preferred. Proviso.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the city council shall order such special election within ten days after the happening of such vacancy; any vacancy occurring in any other office may be filled by appointment of the city council, but no special election shall be held to fill vacancies, if more than nine months of the time has expired. Vacancies.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, but no person shall be eligible to any office under this or any other act in relation to said city, who is now or may be hereafter a defaulter to said city, or to the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for, and to pay over to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place within this city shall become a defaulter whilst in office, the office or place shall thereupon become vacant. Qualified voters

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council. Ties.

ARTICLE III.

OF ELECTIONS.

§ 1. The president and board of trustees of the present town of Mendota shall have power and it is hereby made their duty before the first day of April next to designate one place in each ward in the city as the place of holding the first election under this act, and appoint three judges of election for each ward, who shall be sworn faithfully to per- Time and place of.

form the duties of their office, and shall preside at said first election, canvass the votes and make returns thereof within three days thereafter to the clerk of said town board, whose duty it shall be to notify the persons elected of their election within three days after the town board have determined who are elected. The president and board of trustees of the said town of Mendota shall hold a meeting on the first Friday after said first election for the purpose of determining who is elected to each office under this act, and shall cause the officers elected to be notified of their election as herein provided. A general election for all the officers of the corporation required to be elected by this act (or any ordinance of the city) shall be held in each of the wards of the city on the second Tuesday of April in each year, at such places as the city council may appoint, and of which six days' previous public notice shall be given by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.

General elections.

elec-

Manner of conducting.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk within three days after the election, and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter the office shall become vacant.

Qualified voters

§ 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote for ten days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution,) and have been

Prescribed oath for voters.

a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, and have not voted at this election :” *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

§ 4. No election shall be held in any grogshop or any other place where intoxicating liquors are vended by retail. Place of election.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election under this act or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state. Arrests on election days.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath of office.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear (or affirm) “that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require.” He shall preside over the meetings of the city council and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties, and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. Oath of mayor:

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in the enforcing the laws of the state or the ordinances of the city, and in case of riot, to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars. Inhabitants to aid in enforcing laws.

§ 4. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof. Exhibit of the books, papers, etc.

Penalties.

§ 5. He shall be liable to indictment in the circuit court of La Salle county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and upon conviction shall be subject to a fine not exceeding one hundred dollars, and the court shall have power, upon recommendation of the jury, to add as part of the judgment, that he be removed from office.

Salary.

§ 6. He shall receive such salary as may be fixed by ordinance, not exceeding six hundred dollars per annum.

Ordinances.

§ 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of all the members elected to the city council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect, and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

Vacancy.

§ 8. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members by ballot to preside over their meetings, whose official designation shall be "acting mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office or the vacancy shall be filled by a new election.

Fire wardens.

§ 9. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes during their term of office.

The clerk.

§ 10. The clerk shall keep the corporate seal, and all papers and all books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office; and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book pro-

vided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct, and he shall have power to administer any oath required to be taken by this act.

§ 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council or its committees: *Provided, however*, that the offices of the city clerk and city attorney may be vested in the same person. Attorney,

§ 12. The city treasurer shall receive all moneys belonging to the city and shall keep an accurate account of all receipts and expenditures in such a manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council by a treasury warrant signed by the mayor or the presiding officer of the city council and countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

§ 13. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fine, or otherwise; he shall possess the powers and authority of a constable at common law and under the statutes of the state, and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved as in other cases. He shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof. Marshal.

§ 14. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits, and he shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe; he shall possess the same powers in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor; he shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof and contract for the execution of the same; he shall perform all surveying and engineering ordered by the city Engineers.

council; shall, under their direction, establish the grades and boundaries of streets and alleys, but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council and approved by them, or they shall not be valid.

Assessor and
collector.

§ 15. The assessor and collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors and be subject to the same liabilities. On completing the assessment lists and having revised and corrected the same he shall sign and return them to the city council; he shall collect all taxes and assessments which may be levied by the city council and perform such other duties as may be herein prescribed or ordained by the city council.

Supervisor.

§ 16. The supervisor shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and opening thereof and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate account in appropriate books of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council.

Duties of officers.

§ 17. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices to execute a bond to the city of Mendota in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office.

§ 18. If any person, having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description in his possession belonging to said city or appertaining to his said office, he shall forfeit and pay for the use of the city fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office in the manner prescribed by the laws of the state. Non-surrender
of office.

§ 19. All officers elected or appointed under this act shall be commissioned by warrants under the corporate seal, signed by the mayor or presiding officer of the city council and clerk. Warrant.

ARTICLE V.

OF THE LEGISLATIVE POWER OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

§ 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the city council and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum. Council.

§ 2. No member of the city council shall, during the period for which he is elected, receive any compensation for his services, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract the expense or consideration whereof are to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily. Compensation.

§ 3. The city council shall hold twelve stated meetings (one in each month) during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the council served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council and they shall determine the rule of their own proceedings and be the judges of the election and qualifications of their own members and shall have power to compel the attendance of absent members.

§ 4. The city council shall have control of the finances and of all the property, real, personal and mixed, belonging to the corporation and shall likewise have power within the jurisdiction of the city by ordinance— Finances and
property.

Indebtedness.

First.—To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sums of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding, and no bonds shall be issued or negotiated at less than par value. The appropriations of the city council for payment of interest for improvements and for city expenses during any one fiscal year shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt or to the creation of a sinking fund for that purpose or to the carrying on of the public works of the city or to the contingent fund for the contingent expenses of the city.

Appropriations.

Second.—To appropriate money and to provide for the payment of the debts and expenses of the city.

Sanitary regulations.

Third.—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city, and within five miles thereof.

Nuisances.

Fourth.—To make regulations to secure the general health and comfort of the inhabitants, to prevent, abate and remove nuisances, and punish the author thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Water and wells

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, by hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Streets, alleys and highways.

Sixth.—To have the exclusive control and power over the streets, alleys and highways of the city and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachment or injury.

Bridges, drains.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or wall them up and cover them over, and to prevent,

regulate and control the fitting up, altering or changing the channels thereof by private persons.

Eighth.—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks. Lights and lamps.

Ninth.—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same. Markets.

Tenth.—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds. Public grounds and cemeteries.

Eleventh.—To erect and establish one or more hospitals or dispensaries and control and regulate the same. Hospitals.

Twelfth.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, fire wood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them. Encumbrances.

Thirteenth.—To license, tax and regulate merchants and commission merchants, inn-keepers, brokers, money brokers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery-keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements. Merchants and inn-keepers.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses. Vehicles.

Fifteenth.—To license, tax, regulate and prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming. Gaming, etc.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid Issuing license

therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act, and the fees, for issuing the same, shall not exceed one dollar, but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers, inn keepers, or others, shall be issued for less than fifty dollars.

Liquors, etc.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away any intoxicating or malt liquor to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Provisions.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Butchers.

Nineteenth.—To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

Weights and measures.

Twentieth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders or dealers in merchandise or property of any dercription, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city scaler, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Lumber.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Forage and fuel

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of fire wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Weighers and gaugers.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Twenty-fourth.—To regulate the weight and quality of Bread.
bread to be used or sold within the city.

Twenty-fifth.—To regulate the size and quality of bricks Bricks.
to be sold or used within the city, and the inspection
thereof.

Twenty-sixth.—To create, establish and regulate the Police.
police of the city; to appoint watchmen and policemen,
and prescribe their duties and powers.

Twenty-seventh.—To prevent and suppress any riot, rout, Riots and af-
affray, noise, disturbance or disorderly assembly, in any frays.
public or private place within the city.

Twenty-eighth.—To prohibit, prevent and suppress horse Riding and
racing, immoderate riding or driving in the streets, and to driving.
authorize persons immoderately riding or driving, as afore-
said, to be stopped by any person; to prohibit and punish
the abuse of animals; to compel persons to fasten their
horses or other animals, attached to vehicles or otherwise,
while standing or remaining in the streets.

Twenty-ninth.—To restrain and punish vagrants, mendi- Vagrants.
cants, street beggars and prostitutes.

Thirtieth.—To regulate, restrain or prohibit the running Animals at large
at large of horses, cattle, swine, sheep, goats and geese, and
to authorize the distraining, impounding and sale of the
same, for the costs of the proceedings and the penalty in-
curred, and to impose penalties on the owners thereof, for
a violation of any ordinance in relation thereto; to regulate,
restrain and prohibit the running at large of dogs, and to
authorize their destruction, when at large contrary to ordi-
nance, and to impose penalties on the owners or keepers
thereof.

Thirty-first.—To prohibit and restrain the rolling of Rolling hoops,
hoops, flying of kites or any other amusements or practices flying kites,
tending to annoy persons passing on the streets or side- blowing horns,
walks or to frighten horses or teams; to restrain and pro- etc.
hibit the ringing of bells, blowing of horns or bugles,
crying of goods and all other noises, performances and
practices tending to the collecting of persons on the streets
or sidewalks by auctioneers and others for the purpose of
business, amusement or otherwise.

Thirty-second.—To abate all nuisances which may injure Nuisances.
or affect the public health or comfort in any manner they
may deem expedient.

Thirty-third.—To do all acts and make all regulations Health.
which may be necessary or expedient for the promotion of
health and the suppression of disease.

Thirty-fourth.—To compel the owner or occupant of any Offensive estab-
grocery, cellar, soap or tallow-chandler or blacksmith shops, lishments.
founderies, livery stables, and packing houses, tannery,
privy, sewer or other unwholesome or nauseous house or
place; to cleanse, remove or abate the same as may be

necessary for the health, comfort and convenience of the inhabitants.

Distilleries, tanneries, etc.

Thirty-fifth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city and to the distance of one mile from the limits thereof, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments, or where any nauseous, offensive or unwholesome business may be carried on.

Cemeteries.

Thirty-sixth.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians and sextons and others for any default in the premises.

Census.

Thirty-seventh.—To provide for the taking an enumeration of the inhabitants of the inhabitants of the city.

Work house

Thirty-eighth.—To erect and establish a work-house or house of correction, make all necessary regulations therefor, and to appoint all necessary keepers or assistants in such work-house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city or for the county of LaSalle for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city for any misdemeanor or breach of any ordinance of the city may, instead of being committed to the county jail of LaSalle county be kept therein subject to labor and confinement.

Destitute children.

Thirty-ninth.—To authorize and direct the taking up and providing for the safe keeping and education of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice.

Lots, lands, drains, etc.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks, bridges, etc.

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to

interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts when the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage, and ringing of engine bells and the blowing of whistles.

Speed of locomotives.

Forty-second.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or of this state, for the government, peace and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars nor the imprisonment six months for any offence, and such fine or penalty may be recovered with costs, in an action of debt in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work-house, or required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

Repeal of ordinances.

ARTICLE VI.

OF TAXATION.

§ 1. The city council shall have power within the city by ordinance—

First.—To levy and collect annually taxes not exceeding five mills to the dollar on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein other-

Contingent expenses.

wise provided for, which taxes shall constitute the general fund.

Interest on the
debt.

Third.—To levy and collect taxes not exceeding five mills to the dollar, per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinance or resolution incurring or creating a debt without at the same time making provisions for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

City buildings.

Fourth.—To annually levy and collect taxes on all property subject to taxation when required for the erection of a city hall, work-house or city prison, markets, hospital, the purchase of market grounds, public squares or parks or any other public improvements: *Provided*, the estimated costs of a city hall, work-house or market house may be apportioned by the city council and collected by a series of annual assessments; but the cost of market grounds, markets, public squares or other improvements, may be levied and collected upon all the real estate and other property in the natural division of the city in which they are located. No local improvement, under this section, shall be ordered in any division unless a majority of the aldermen thereof shall vote in favor of the same; but no tax or taxes shall be levied in any one year under this section which shall exceed five mills to the dollar on the property assessed for any or all the purposes, herein specified. The revenues arising from such markets or other improvements shall be applied to the liquidating the costs thereof, and taxes shall be levied and collected to make up the deficiency.

Lamps and
light.

Fifth.—To levy and collect upon all property in such district as they shall, from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps, and lighting the streets in such districts, and the tax thus collected shall be exclusively expended for such purposes in the district paying the same.

Street labor.

Sixth.—To require (and it is hereby made the duty of) every male resident of the city over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may at his option pay in lieu thereof two dollars: *Provided*, the same shall be paid within ten days after notification by the supervisor; in default of payment as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Consent of pro-
perty holders.

§ 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways,

and to alter, widen, construct, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

Surveys and records of.

§ 2. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened by virtue hereof, and the amount of the compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city, at the expiration of which time they shall choose by ballot three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively; and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected shall be necessary to a choice of such commissioners.

Compensation.

Benefits and damages.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties they shall give at least five days' notice to all persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown. They shall view the premises, and in their discretion receive any legal evidence, and may if necessary adjourn from day to day.

Commissioners' duties.

§ 4. If there should be any buildings standing in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and secondly the value of such building to him to remove.

Buildings taken

§ 5. At least five days' notice shall be given to the owner of such determination, when known and a resident of the city, which may be given personally, or in writing left at his usual place of abode. If a non-resident or unknown,

Publication of notice.

like notice to all persons interested shall be given by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners, to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Sale of buildings.

§ 6. If the owner refuses to take the building at its appraised value to remove, or fail to give notice of his intention as aforesaid within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash or on credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Assessments and valuation.

§ 7. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the buildings, (if the property of the owner of the land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove, in that case they shall include the difference between such value and the whole estimated value of such building.

Balance and difference.

§ 8. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectable of or paid to them.

Leases and mortgages.

§ 9. If the lands and buildings belonging to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively may be awarded to them by the commissioners, less the benefit resulting to them respectively from the improvements.

Apportionment and assessment of damages.

§ 10. Having ascertained the damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceeding, upon the real estate by them deemed benefited, in proportion to the benefit resulting from

improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made. When completed the commissioners shall sign and return the same to the city council within thirty days of their assessment.

§ 11. The clerk shall give ten days' notice by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and, on a day specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void; if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof; if referred back to the same or other commissioners, they shall proceed to make their assessment, and return the same in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination, as are herein given in relation to the first.

Publication of notice.

Objections to.

Confirmation of.

§ 12. The city council shall have power to remove commissioners, and from time to time appoint others in place of such as may be removed, refuse, neglect, or are unable from any cause to serve.

Removal of the commissioners

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley, or other highway or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such or his agent; or, in case such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public grounds, may be made and opened.

Possession and appropriation of.

§ 14. When the whole of any lots or parcel of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties touching the same, or any part thereof, shall upon the confirmation of the report of the commissioners respectively, cease and be absolutely discharged.

Covenants, contracts, etc.

§ 15. When part only of any lot, parcel of land or other premises so under lease or contract, shall be taken

Discharge of.

for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same upon the confirmation of the report of the commissioners, shall be absolutely discharged, as to that part thereof, so taken; but shall remain valid as to the residue thereof, and the rent, consideration and payment reserved, payable and to be paid for or in respect to the same shall be so proportioned as that the part thereof, justly and equitably payable for such residue thereof, and no more shall be paid or recoverable in any respect for the same.

Appeals.

§ 16. Any person interested, may appeal from any final order of the city council, for opening, altering, widening or straightening any street, alley, or other highway, or public ground to the circuit court of La Salle county, by notice in writing to the mayor at any time before the expiration of twenty days after the passage of said final order. In case of appeal the city council shall make a return within thirty days after notice thereof, and the court shall at the next term after return filed in the office of the clerk thereof, hear and determine such appeal and confirm or annul the proceedings, from which appeal no judgment or writ of error, shall lie. Upon the trial of appeals, all questions involved in said proceedings including the amount of damages shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the city or any party, the amount of damages may be assessed by a jury in said court without formal pleadings, and judgment rendered accordingly, and the burden of proof shall in all cases, be upon the city, to show that the proceedings are in conformity with this act.

Expenses of assessments.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expense of any public improvement. Where any such assessment shall be made upon, or paid by any person, when by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying, to sue for and recover of the persons bound to pay the same, the amount so paid with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant or person, respecting the payment of such assessments.

Change of proceedings.

§ 18. The city council may by ordinance, make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate, by reason of the condemnation of such real estate, or any real estate upon which any building may be situated in whole or in part, and the assessment of such damages and injury upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

§ 19. When any known owner or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of La Salle county, the county judge of said county, or any judge of the supreme court, may upon the application of the city council, or such infant or his next friend, appoint a guardian for such infant, taking security from such guardian, for the faithful execution of such trust, and all notices and summons required by this act, shall be served on such guardian. Infants.

ARTICLE VIII.

PUBLIC IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

§ 1. The city council shall have power from time to time, to cause any street, alley or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same. Street commissioner.

Second.—To cause side and cross walks, main drains and sewers, and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same. Sidewalks, etc.

Third.—To grade, improve, protect and ornament any public square or other public ground, now or hereafter laid out. Public grounds.

Fourth.—The city council shall have power to assess and collect, of the owners of lots or real estate, on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance for the purpose of grading, paving or planking such street or other highway: *Provided*, that such tax shall not exceed five mills per annum, of the value of the property assessed. Taxes.

§ 2. That for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same. Surveys and drainage.

§ 3. That whenever a majority in number of the owners of real estate, within any district, shall petition the city council for the construction of such drains or sewers, in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains, which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate, in the district in which it is assessed. And the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem neces- Petitions for constructions.
Special taxes.

sary, and may from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary, and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest, from the special tax collected in such district, or the city council may apportion the estimate cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment, shall be repealed or altered until the debt created thereby, shall have been paid.

Improvements. § 4. All owners or occupants of lots or land, in front of, adjoining, or upon whose premises the city council shall order and direct sidewalks or private drains communicating with any main drain to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense thereof, by an order to be entered in their proceedings, upon the lots and land respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses as for money paid and laid out to his use, at his request.

Cost and charges. § 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may be in like manner brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Assessments of expenses. § 6. The city council shall have power to compel the owners of lots or ground, fronting or adjoining any private or public alley, to keep the same clean, and if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

Repairs.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

§ 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists, as they may deem proper and expedient. Lists of.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each year, but the time may be extended by order of the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing by publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same. Time of returns
Omissions.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid. Confirmation of
Warrants of collection.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate, in case of removal, or when the tax can not be made out of the personal estate in the same manner as is prescribed by the laws of the state: *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other ju- License.

dicial proceedings, the same shall continue a lien, unless set aside upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Warrants.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Collection of.

§ 6. All warrants issued for the collection of general or special taxes and assessments, shall be signed by the mayor and clerk, with the corporate seal attached thereto, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for ten days in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall in all cases be evidence on the part of the city corporation.

Manner of.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Non-payment of

§ 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof at any time within two years after the confirmation of the assessment by the city council. Before any such sale or order shall be made by the city council, which shall be entered at large in the journals or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale shall be made.

§ 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner (when known) and the several amounts of taxes and assessments thereon, and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings may be stopped at any time on the payment of taxes or assessments and interest, with expenses of advertising.

Sale of.

§ 10. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fee may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Manner of conducting.

§ 11. The right of redemption in all cases for sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment of double the amount (in specie) for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert* or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are

Rights of redemption.

recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Deeds.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Sale of to city.

§ 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Evidence.

§ 14. All deeds made to purchasers of lots sold for taxes or assessments by order of the city council shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts:

First.—That the land or lot surveyed was subject to taxation or assessment at the time the same was advertised for sale and had been listed and assessed in the time and manner required by law.

Second.—That the taxes or assessments were not paid at any time before the sale.

Third.—That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

First.—That the land was advertised for sale for the length of time and in the manner required by law.

Second.—That the land was sold for taxes or assessments as stated in the deed.

Third.—That the grantor in the deed was the purchaser.

Fourth.—That the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States

or this state after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

ARTICLE X.

FIRE DEPARTMENT.

§ 1. The city council, for the purpose of guarding against Buildings. the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them without their permission, and direct and prescribe that all buildings within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the re-building or repairing of wooden buildings within the fire-limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof; and to prescribe the manner of ascertaining such damages; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire-limits which they may deem dangerous to contiguous buildings or in causing or promoting fires to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

§ 2. The city council shall have power—

First.—To regulate the construction of chimneys and flues so as to admit of chimney-sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys. Chimneys and flues, etc.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove pipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures; to examine and discover whether the same are in a dangerous state, and to cause such as be dangerous to be put in safe condition. Dangerous condition of.

Fourth.—To require the inhabitants to provide as many fire-buckets and in such manner and time as they shall prescribe and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises. Manufactories.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires. Storage of combustibles.

Sixth.—To regulate, prevent and prohibit the use of fireworks and fire-arms.

Seventh.—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Walls and fences.

Eighth.—To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Fires, etc.

Tenth.—To authorize the mayor, fire-wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Fire department.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power—

First.—To organize fire, hook, hose and ladder companies.

Second.—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Duties of firemen.

Third.—To prescribe the duties of firemen and to make rules and regulations for their government and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.

Engineers.

Fourth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Exemptions.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets or paying any taxes for the same. The name of each fireman shall be registered with the clerk of the city, and the

evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed.

ARTICLE XI.

BOARD OF HEALTH.

§ 1. The board of health shall consist of three or more commissioners to be appointed annually by the city council, and the mayor or presiding officer of the city council shall be president of the board, and the city clerk shall be their clerk and keep minutes of its proceedings. Officers.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such person, to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease or to contain unsound provisions or damaged or putrid animal or vegetable matter or other unwholesome articles and to make report of the state of the same with all convenient speed to the clerk of the board. Duties of officers.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter and ought to be removed so as not to endanger the health of the city, shall, by order of the said board, be removed to some proper place not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person to be removed, if able, and the board may order any furniture or wearing apparel to be destroyed whenever they may deem it necessary for the health of the city by making just compensation. Quarantine and sanitary regulations.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being such of the powers, and perform such of the duties of marshal or supervisor as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty, under this act or any ordinance. Other duties of.

§ 6. Every person practicing physic in this city who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof in writing to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, Duties of physicians.

with costs, in an action of debt in any court having cognizance thereof, or before a justice of the peace, for the use of the city.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Publication of
ordinances.

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges, for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Street labor.

§ 2. The inhabitants of the city of Mendota are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

Duties of super-
visor.

§ 3. The supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such times and place, and in such manner, as the council may direct, or the supervisor shall deem necessary. He shall deliver or cause to be delivered, or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But a similar notice published for ten days in the newspaper publishing the ordinances of the city, by the supervisor, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit, with costs, as in other cases.

Fines and pen-
alties.

§ 4. All fines, forfeitures and penalties collected for offences committed within said city shall be paid into the treasury of said city, by the officers collecting the same; and all fines and forfeitures collected of any citizens of said

city for any conviction in the circuit court shall be paid over in like manner.

§ 5. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered, in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance, and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots, or fractional blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

Surveys and
plats.

§ 6. The city council shall, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each division to the general fund; that taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

Expenditures.

§ 7. The water courses in said city, or natural branches leading thereinto, shall not be filled up, altered or changed, except in the manner prescribed by the city council, and the city council shall have power to establish and direct and prescribe the manner of altering, changing and straightening, and to wall, fill up, culvert or sewer the same.

Water.

§ 8. The supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine in the same manner as supervisors under the laws of the state.

Penalties.

§ 9. Neither the city council or the mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise.

Remission of
fines, etc.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken.

Reconsideration of
vote.

§ 11. The cemetery lots which may be laid out and sold, by the city or private persons for private places of burial,

Cemeteries ex-
empt from at-
tachment.

shall, with the appurtenances forever be exempt from execution and attachment.

Proof of ordinances.

§ 12. Every ordinance, regulation and by-law imposing any penalty, fine or imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published three days in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Suits at law.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Processes.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Justices of the peace.

§ 15. The city council shall have power to designate one or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law or police regulation, anything in the laws of this state to the contrary notwithstanding. Such justice shall have power to impose fines and penalties not exceeding the amount authorized by the constitution of the state. There shall be such local court of civil and criminal jurisdiction as may be established by the general assembly in the cities of the state, in accordance with the constitution of the state. Such court shall have jurisdiction over all cases arising under this act, or any ordinance of said city in pursuance thereof, and such other civil and criminal jurisdiction as may be provided by law.

Executions.

§ 16. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of La Salle whereof the judgment can be collected, the executive shall require the defendant to be confined in the county jail or workhouse or city prison for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in prosecution for

the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

§ 17. Any person who shall destroy or injure any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction.

Penalty for destruction of public buildings.

§ 18. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Mendota, in any action or proceeding in which said city may be a party in interest.

Incompetent judges, etc.

§ 19. All ordinances, regulations and resolutions now [in force] in the town of Mendota, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the city council, after this act shall take effect.

In force.

§ 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under these several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Vested Rights.

§ 21. All property, real, personal or mixed, belonging to the city of Mendota, is hereby vested in the corporation created by this act; and the officers of said corporation now in office, shall respectively continue in the same, until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

Vested property.

§ 22. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places, without further proof.

Proof of ordinances.

§ 23. The style of all ordinances shall be, "Be it ordained by the city council of the city of Mendota."

Style of ordinances.

§ 24. Any tract of land adjoining said city, which may be laid off into blocks or lots and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

Additions.

§ 25. This act shall not invalidate any legal act done by the board of trustees of the town of Mendota or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

Invalidation of act.

§ 26. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or with-

Arrests.

out process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such persons in custody over night or the Sabbath, in the watch house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace, as the city council may prescribe.

§ 27. Nothing in this act contained shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city and the various acts amendatory thereto, but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned.

Digest of ordinances.

§ 28. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

Determined by vote.

§ 29. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places. The president and trustees of the town of Mendota shall cause an election to be held in said town on the first Monday in March next, at which the inhabitants residing within the territory described in this act, who are authorized to vote for state officers, shall vote for or against the adoption of this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall immediately take effect and be in force as a law, but if a majority of the votes given be against its adoption then this act to be of no effect.

APPROVED February 22, 1867.

In force Feb. 22, 1867. AN ACT to amend "An act granting a new charter to the city of Belleville, and to reduce the several acts incorporating said city into one act."

Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:

ARTICLE I.

SECTION 1. That the city of Belleville shall comprehend all that district of territory embraced within the following limits, to-wit: Extending one and a half miles from north to south, and one and one-quarter miles from east to west;

Limits.

extending north, east and south three-quarters of a mile, from a line drawn through the center of Main and Illinois streets of the town (now city) of Belleville, as recorded, and west one-half mile from said center line of Illinois street. And the city council shall have the power to enlarge the boundaries of the city, by ordinance, to any extent, not exceeding one-half of a mile south, east and north and west to any extent, not exceeding one mile: *Provided, however,* that the incorporated town of west Belleville shall not be annexed to the city of Belleville, without the consent of a majority of the voters of the town of west Belleville, to be ascertained by an election to be held for that purpose.

Boundaries.

Determined by vote.

§ 2. The inhabitants of said city shall be a corporation by the name of "The City of Belleville," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change the same at pleasure; may take, hold and purchase such real, personal or mixed estate, as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

Name and style

Powers.

§ 3. The city of Belleville shall be divided into four wards, the boundaries of which shall be fixed by the city council, and shall be, by the city council, changed from time to time, as they shall see fit, having regard to the number of inhabitants, so that each ward shall contain, as near as may be, the same number of inhabitants.

Wards.

The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city register, a city marshal, a city treasurer, a city attorney, a city assessor, a city collector, a city surveyor and engineer, a city weigher and market master, and a city street inspector, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance. All officers to be appointed by the city council, unless otherwise provided by ordinance, and to perform such duties as may be prescribed by ordinance; *Provided*, that the city council may consolidate two or more offices in one person, as they may deem best for the city.

Government.

Officers.

Consolidation of offices.

§ 2. All officers elected or appointed under this act, except the mayor and aldermen, shall hold their offices for one

Term of office.

year, and until the election or appointment and qualification of their successors, respectively. All officers appointed by the city council, shall be appointed on the first Monday in May, except the city assessor, who shall be appointed on the first Monday in January, in each year, or as soon thereafter as may be. All officer elected or appointed to fill vacancies, shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Mayor.

§ 3. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for two years, and until his successor shall be elected and qualified. He shall be a *bona fide* freeholder, and resident of said city.

Aldermen.

§ 4. The several wards in the city shall be respectively represented in the common council, by two aldermen, who shall be *bona fide* freeholders, and residents thereof, and who shall, except as herein otherwise provided, hold their offices respectively, for two years from and after the first Monday in May next succeeding their election. They shall be divided into two classes. Each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year, and of the second class at the expiration of the second year, so that one alderman from each ward may be annually elected. In all cases where two aldermen are to be chosen from the same ward, at any annual election, the alderman having the highest number of votes, shall be declared elected for two years, and the candidate having the next highest number of votes, for one year; and in case of the two successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled, shall be determined by the casting of lots in the presence of the city council, and the result shall be entered upon their proceedings. If any alderman shall remove from the ward represented by him, or shall engage or continue in any service, business or employment, causing a continuous absence from the city for more than two months, his office shall thereby become vacant.

Absence and
vacations,

Procedure in
case of no quorum,

Removals.

§ 5. If from any cause there shall not be a quorum of aldermen, the register shall appoint the time and place of holding a special election to fill such vacancies, and to appoint judges if necessary. Any alderman or officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected, but no alderman or officer shall be removed, except for good cause, nor unless first furnished with the charges against him, and heard in his defense. The city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed within ten days, to hear and determine the merits of the case, and if such officer shall neglect to appear and answer to such

charges, then the city council may declare the office vacant: *Provided*, the mayor may suspend such officer or alderman until the disposition of the charges.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the city council shall order a special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office, may be filled by appointment of the city council, but no special election shall be held to fill vacancies, if more than nine months of the year have expired. Vacancies.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, but no person shall be eligible to any office under this or any other act, in relation to said city, who is now or may hereafter be a defaulter to said city, or to the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession; and if any person holding any such office, or place within this city, shall become a defaulter, whilst in office, the office or place shall thereupon become vacant. Qualifications
of voters.

§ 8. When two or more candidates for any elective office, shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council. Ties.

ARTICLE III.

OF ELECTIONS.

§ 1. A general election of all the officers of the corporation, required to be elected by this act, or any ordinance of the city, shall be held in each of the wards of the city, on the third Tuesday of April in each year, at such places as the city council may appoint, and of which ten days' previous public notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the newspapers publishing the ordinances of the city, by the city register. Elections.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same power Management of
conducting
elections.

and authority, as the judges of general elections. After the closing of the polls the ballots shall be counted, in the manner provided by law, and the returns shall be returned, sealed to the city register, within three days after the election; and thereupon, the city council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office, shall be declared elected. It shall be the duty of the city register, to notify all persons elected or appointed to office, of their election or appointment, and unless such person shall qualify within twenty days thereafter, the office shall become vacant.

Who may vote.

§ 3. No person shall be entitled to vote at any election in said city, who has not been a citizen of the state of Illinois for at least one year, and of said city, for at least six months, and of the ward in which he proposes to vote, for ten days next preceding such election, and if required by any judge or qualified voter, he shall take the following oath before he shall be permitted to vote. "I swear (or affirm) that I am of the age of twenty-one years, and have been a resident of this state one year, a resident of this city six months, and a resident of this ward ten days immediately preceding this election." *Provided*, that the voter shall be deemed a resident in the ward in which he is accustomed to lodge.

Places of holding elections.

§ 4. No election shall be held in any grocery or beer house, or other place where intoxicating liquors are vended by retail.

Voters not to be arrested on civil process.

§ 5. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city, upon the day on which said election is held, and all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

§ 1. Every person chosen or appointed to any executive, judicial or administrative office, under this act, shall before he enters upon the discharge of the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified, by the officer before whom it was taken, with the city register.

Oath of mayor and duties.

§ 2. The mayor shall, before he enters upon the duties of his office in addition to the usual oath, swear or affirm, "that he will devote so much of his time to the duties of his office, as an efficient and faithful discharge thereof, may require." He shall preside over the meetings of the city council, and shall take care that the laws of this state, and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the

city discharge their respective duties ; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall from time to time, give the city council such information and recommend such measures, as he may deem advantageous to the city.

§ 3. He is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city, and in case of riot to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance ; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

Inhabitants to aid in enforcing laws.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

An exhibition of papers and books.

§ 5. He shall be liable to indictment in the circuit court of Saint Clair county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars ; and the court shall have power, upon recommendation of the jury, to add as part of the judgment, that he may be removed from office.

Penalties.

§ 6. Every ordinance or resolution which shall have been passed by the city council shall, before it becomes a law, be presented to the mayor for his approval. If he approves he shall sign it ; if not, he shall return it, with his objections, to the board, which objections shall be entered at large on the journal, and the bill reconsidered. If, after such reconsideration, two-thirds of all the members elected to the board, shall agree to pass the same, it shall become a law. In all cases the votes shall be taken by yeas and nays, and entered on the journal of the board ; if any bill shall not be returned by the mayor, as aforesaid, at the same meeting of said council which passed said bill, the same shall become a law in the same manner as if he had approved and signed it.

Approval of ordinances.

Manner of voting.

§ 7. In case of vacancy in the office of mayor, or his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be, "acting mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, but shall lose his vote as alderman, until the mayor shall resume his office, or the vacancy be filled by a new election.

Vacancy.

§ 8. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city,

City councilmen to be ex officio fire wardens.

and shall be exempt from jury duty during their term of office.

Register.

§ 9. The register shall keep the corporate seal and all papers and books of the city not properly belonging to any other office. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journal of the proceedings of the city council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury, and countersign the same, and keep accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures in such manner as the city council may direct; and he shall have power to administer any oath required to be taken by this act.

Attorney.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council, or its committees.

Treasurer.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury, in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and be countersigned by the register. Such warrants shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also, the state of the treasury, which account shall be filed in the office of the register.

Marshal.

§ 12. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines, or otherwise. He shall possess the power and authority of a constable at common law, and under the statutes of this state, and receive like fees, but shall not serve civil process, without first entering into bond, as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof.

Bonds.

Processes.

Engineer.

§ 13. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and

emoluments for his services as the city council shall direct and prescribe. He shall possess the same power in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council, and approved by them, or they shall not be valid.

§ 14. The assessor shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. Assessor.

§ 15. The collector shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed or ordained by the city council.

§ 16. The weigher shall attend to the public scales for which he is appointed, and weigh every load of hay, stone, coal, or other thing which may be presented to be weighed, and give the person presenting the same a certificate of the net weight thereof, and perform such other duties in the measurement of wood and other things, as may be required of him by ordinance or resolution. Weigher.

§ 17. The market master shall have the direction and management of the market house and market place, and shall do and perform such acts and duties as may be required by him by ordinance or resolution. Market master.

§ 18. The street inspector shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and repairing thereof and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to owners of property adjoining such sidewalks, when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver Street inspector

the account thereof to the city register, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council.

Council.

§ 19. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their compensation. They shall also require all officers, severally, before they enter upon the duties of their respective offices to execute a bond to the city of Belleville in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the register, shall be filed in his office, except the bond of the register, which shall be in the keeping of the mayor.

Surrender of the property, books, etc., to successors in office.

§ 20. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description, in his possession, belonging to the city or appertaining to his said office, he shall forfeit and pay for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of this state.

Officers, how commissioned.

§ 21. The officers elected or appointed under this act shall be commissioned by warrants, under the corporate seal, signed by the mayor or presiding officer of the city council and register.

ARTICLE V.

OF THE LEGISLATIVE POWER OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

City government

§ 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the aldermen elected shall constitute a quorum; but a less number may meet and adjourn from day to

day, and compel the attendance of absent members, imposing such penalties for non-attendance as they may deem advisable.

§ 2. The salary of the mayor shall not be more than eight hundred dollars per annum, and no alderman shall receive more than two hundred dollars per annum for any services rendered by him as a member of the city council. No member of the city council shall be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the term for which he shall have been elected, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Salary of mayor and aldermen.

§ 3. The city council shall hold twelve stated meetings (one in each month) during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the council served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council and they shall determine the rules of their own proceedings and be the judges of the election and qualification of their own members and shall have power to compel the attendance of absent members.

Meetings of the city council.

§ 4. The city council shall have control of the finances and of all property, real, personal and mixed, belonging to the corporation and shall likewise have power within the jurisdiction of the city by ordinance—

Finances and property.

First.—To borrow money on the credit of the city, and issue the bonds of the city therefor, and to recall and withdraw from circulation any of the matured city bonds for city indebtedness for the purpose of paying the same, or to have new bonds re-issued to those who are legally entitled to them; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding, and no bonds shall be issued or negotiated at less than par value. The appropriations of the city council for the payment of interest for improvements and for city expenses during any one fiscal year shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt or to the creation of a sinking fund for that purpose or to the contingent fund for the contingent expenses of the city.

Indebtedness.

Second.—To appropriate money and to provide for the payment of the debts and expenses of the city.

Appropriations.

- Sanitary regulations.** *Third.*—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city, and within five miles thereof.
- Hospitals.** *Fourth.*—To erect and establish one or more hospitals or dispensaries and control and regulate the same.
- Nuisances.** *Fifth.*—To make regulations to secure the general health and comfort of the inhabitants, to prevent and abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonments; to define and declare what shall be deemed nuisances, and authorize and direct summary abatement thereof.
- Water and wells.** *Sixth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.
- Streets, alleys and highways.** *Seventh.*—To have the exclusive control and power over the streets, alleys and highways of the city and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachment or injury.
- Bridges, drains.** *Eighth.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of the water courses and natural drains; to sewer the same or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.
- Lights and lamps.** *Ninth.*—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.
- Markets.** *Tenth.*—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.
- Public grounds and cemeteries.** *Eleventh.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and

public grounds; to regulate cemeteries and burying grounds within two miles of the city, and to punish by fines, penalties and imprisonments all persons who shall trespass upon or desecrate the same, or violate the provisions of any ordinance in relation thereto, in the same manner as if the offence were committed within the city.

Twelfth.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, fire wood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them. Encumbrances.

Thirteenth.—To license, tax and regulate merchants retailers, commission merchants, inn keepers, bankers, savings institutions, insurance companies, brokers, money changers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery-keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements Merchants and inn-keepers.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses. Hawkers, etc.

Fifteenth.—To license, tax, and regulate billiard tables, pigeon holes, bagatelle tables, Jenny Lind tables, ten pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and of all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming. Gaming, etc.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No licence shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act, and the fees, for issuing the same, shall not exceed one dollar, but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers, inn keepers, or others, shall be issued for less than fifty dollars per year. Issuing license.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, or within a half a mile of the boundary of the city excepting those who are in the town of west Belleville, except by persons duly licensed by the Liquors, etc.

city; to forbid and punish the selling or giving away any intoxicating or malt liquor to any minor, or apprentice, without the consent of the parent, guardian, master or mistress.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Weights and
measures.

Nineteenth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders or dealers in merchandise or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city weigher or other person appointed by the city council, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Butchers.

Twentieth.—To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

Lumber.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors and measurers.

Forage and fuel.

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of fire wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Weighers and
gaugers.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal, salt and other provisions, malt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Bread.

Twenty-fourth.—To regulate the weight and quality of bread to be used or sold within the city.

Wagons, trains,
etc.

Twenty-fifth.—To direct, license and control all wagons and trains conveying heavy loads within the city, and prescribe the width of the rim and the tire of the same.

Bricks.

Twenty-sixth.—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Police.

Twenty-seventh.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-eighth.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private house within the city. Riots and affrays.

Twenty-ninth.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets, or other public places or unclosed grounds in the city. Riding and driving.

Thirtieth.—To restrain and punish vagrants, mendicants, Vagrants. street beggars and prostitutes.

Thirty-first.—To regulate, restrain or prohibit the running at large of horses, mules, jackasses or jinnies, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof, for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Animals at large

Thirty-second.—To prohibit and restrain the firing or discharging of cannon, guns and other fire arms and air guns; to prohibit and restrain the rolling of hoops, flying of kites or any other amusements or practices tending to annoy persons passing on the streets or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods and all other noises, performances and practices tending to the collection of persons on the streets or sidewalks by auctioneers and others for the purpose of business, amusement or otherwise. Fire arms. Rolling hoops, flying kites, blowing horns, etc.

Thirty-third.—To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient. Nuisances.

Thirty-fourth.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease. Health.

Thirty-fifth.—To compel the owner or occupant of any grocery, cellar, soap or tallow-chandlery or blacksmith shops, tannery, stables, privy, sewer or other unwholesome or nauseous house or place; to cleanse, remove or abate the same as may be necessary for the health, comfort and convenience of the inhabitants. Offensive establishments.

Thirty-sixth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the Distilleries, tanneries, etc.

city and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Cemeteries.

Thirty-seventh.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians and sextons and others for any default in the premises.

Census.

Thirty eighth.—To provide for the taking an enumeration of the inhabitants of the city.

Work house

Thirty-ninth.—To erect and establish a work-house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers and assistants in such work-house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officer, and persons sentenced by any criminal court or magistrate in and for the city or for the county of Saint Clair for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city for any misdemeanor or breach of any ordinance of the city may, instead of being committed to the county jail of Saint Clair county be kept therein subject to labor and confinement.

Destitute chil-
dren.

Fortieth.—To authorize and direct the taking up and providing for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice.

Lots, lands,
drains, etc.

Forty first.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks,
bridges, etc.

Forty second.—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair

suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts when the city council may deem necessary ; to direct and prohibit the use and regulate the speed of locomotives, engines and cars, connected or detached, within the boundaries of the city, and to prescribe and regulate the mode of crossing streets by locomotives and railroad trains ; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Speed of locomotives.

Forty-third.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof ; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had ; but no fine or penalty shall exceed five hundred dollars nor the imprisonment six months for any offence, and such fine or penalty may be recovered with costs, in an action of debt in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted ; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work-house, or required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

Repeal of ordinances.

Forty-fourth.—To regulate and license all the groceries and beer-houses, shows, menageries and other exhibitions, within half a mile of the established boundaries of the city, excepting those within the limits of the town of west Belleville.

Groceries and exhibitions.

Forty-fifth.—To tax, regulate and license persons who may set up temporary establishments for the sale or the disposing of goods, wares or merchandise, whether by auction or otherwise ; to prohibit such sales without license, and require security for the payment thereof.

Temporary establishments

Forty-sixth.—To tax, regulate and license all non-resident persons, co-partnerships or bodies corporate who sell or offer to sell, any goods, wares or merchandise, or articles of commerce or trade within the city of Belleville, by sample, excepting farmers' products.

Corporations.

ARTICLE VI.

OF TAXATION.

§ 1. The city council shall have power within the city by ordinance—

Contingent ex-
penses.

First.—To levy and collect annually taxes not exceeding seven mills to the dollar on all assessed value of real and personal estate and property within the city, and all personal property of the inhabitants thereof made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

Interest on the
city debt.

Second.—To levy and collect taxes not exceeding five mills to the dollar, per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinance or resolution incurring or creating a debt without at the same time making provisions for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

Lamps and
light.

Third.—Also, to levy and collect upon all property in such districts as they shall, from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps, and lighting the streets in such districts, and the tax thus collected shall be exclusively expended for such purposes in the districts paying the same.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Consent of pro-
perty holders.

§ 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same, but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said streets, alley and highway. They shall cause all streets, alleys and highways, or public squares or grounds laid out by them to be surveyed, described and recorded in a book, to be kept by the register, showing accurately and particularly the proposed improvements, and the real estate required to be taken, and the same, when opened and made, shall be public highways, and public squares.

Surveys and
records of.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days, in the newspaper publishing the ordinances of the city; at the expiration of

which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively; and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof, on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen, authorized by law to be elected, shall be necessary to a choice of such commissioners.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties, they shall give at least five days' notice to all persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown; they shall view the premises and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Commissioners' duties.

§ 4. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Buildings taken

§ 5. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the building and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon, by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Manner of giving notice.

§ 6. If the owner refuses to take the building at its appraised value, to remove or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building

The removal of buildings.

Sale of buildings.

at public auction, for cash or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited, to his use.

Value of real
estate, etc.

§ 7. The commissioners shall thereupon proceed to make their assessments and determine and appraise to the owner, the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the building (if the property of the owner of the land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

§ 8. If the damages to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall in any case be collectable of or paid to them.

Leases and
mortgages.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively, may be awarded to them by the commissioners, less the benefit resulting to them, respectively, from the improvement.

Damages and
expenses.

§ 10. Having ascertained the damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made; when completed the commissioners shall sign and return the same to the city council within forty days of their appointment.

Return of the
assessment.

§ 11. The register shall give ten days' notice by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void; if confirmed an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to

the same or other commissioners, they shall proceed to make their assessment, and return the same in like manner and give like notice as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination, as are herein given in relation to the first.

§ 12. The city council shall have power to remove commissioners, and from time to time to appoint others in place of such as may be removed, or refuse, neglect, or are unable, from any cause, to serve.

Removal of the commissioners

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; and then and not before such lands may be taken and appropriated for the purpose required in making such improvements, and such alleys, streets, or other highways or public grounds, may be made and opened.

Payment for lands.

§ 14. When the whole of any lot, parcel of land or other premises, under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of the report of the commissioners respectively, cease and be absolutely discharged.

Covenants and contracts, etc.

§ 15. When part only of any lot, parcel of land or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same upon the confirmation of the report of the commissioners, shall be absolutely discharged, as to that part thereof, so taken; but shall remain valid as to the residue thereof, and the rents, consideration and payments reserved, payable and to be paid for or in respect to the same shall be so proportioned as that the part thereof, justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable in any respect of the same.

Discharge of commissioners

§ 16. Any person interested, may appeal from any final order of the city council, for opening, altering, widening or straightening any street, alley, or other highway, or public ground to the circuit court of St. Clair county, by notice in writing to the mayor at any time before the expiration of twenty days after the passage of said final order. In case of appeal the city council shall make a return within thirty days after notice thereof, and the court shall at the next

Appeals.

term after the return filed in the office of the clerk thereof, hear and determine such appeal and confirm or annul the proceedings, from which judgment no appeal or writ of error, shall lie. Upon the trial of appeal, all questions involved in said proceedings including the amount of damages shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the city or any party, the amount of damages may be assessed by a jury in said court without formal pleadings, and judgment rendered accordingly, and the burden of proof shall in all cases, be upon the city, to show that the proceedings are in conformity with this act.

Owners to pay
for the assess-
ments.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expense of any public improvement. Where any such assessment shall be made upon, or paid by any person, when by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying, to sue for and recover of the person bound to pay the same, the amount so paid with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant or other person, respecting the payment of such assessments.

Change in pro-
ceedings.

§ 18. The city council may by ordinance make any change they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injuries occasioned to any person or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated in whole or in part; and the assessment of such damages and injuries upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

Infants.

§ 19. When any known owner, or other person having an interest in any real estate, residing in the city or elsewhere shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of St. Clair county, the county judge of said county, or any judge of the supreme court may, upon the application of the city council, or such infant, or of his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summonses required by this act shall be served on such guardian.

ARTICLE VIII.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Streets and al-
leys.

§ 1. The city council shall have power from time to time to cause any street, alley or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same.

Second.—To cause sidewalks and crosswalks, main drains and sewers, and private drains, to be constructed and laid, re-laid, cleansed and repaired, and regulate the same.

Third.—To grade, improve, protect and ornament any public square or other public ground now or hereafter laid out. Public grounds.

Fourth.—The city council shall have additional powers to assess and collect of the owners of lots or real estate on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, macadamizing, paving or planking such street or other highways: *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed. Taxes.

§ 2. That, for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same. Sewers and drains.

§ 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such districts, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains; which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary; and may from time to time extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary. And the city council shall have power to borrow money for the construction of such sewers and drains, payable, in principal and interest, from the special tax collected in such districts; or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment, shall be repealed or altered until the debt created thereby shall have been paid. Special taxes.

§ 4. All owners or occupants of lots in front of adjoining, or upon whose premises the city council shall order and direct sidewalks, or private drains communicating with any main drain, to be constructed, graded, repaired, re-laid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or re-lay Construction and letting of sewers, etc.

Nuisances, etc.

such sidewalks, or make, repair or cleanse such private drains, or grade, fill up, drain, or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and if not done in the time and within the manner prescribed, the city council may cause the same to be constructed, repaired, re-laid, cleansed, filled up, graded, drained, or otherwise improved, and assess the expenses thereof by an order, to be entered in their proceedings, upon the lot and lands respectively, and collect the same by warrant, and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses as for money paid and laid out to his use at his request.

Expenses in-
curred.

§ 5. In all cases where expenses may be incurred, in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Condition.

§ 6. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any private or public alley, to keep said alley clean, and if necessary to direct the same to be paved, macadamized, planked, or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

ASSESSMENT AND COLLECTION OF TAXES.

Form of assess-
ment lists.

§ 1. The city council shall have power by ordinance to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

Return of the
assessment.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each year; but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto, and the register shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections. The city council shall have power to

supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same, and directing the warrant to be issued for the collection thereof, shall be entered by the register. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

Filed and confirmed.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council, under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of the taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate. In case of removal, or when the tax can not be made out of the personal estate in the same manner as is prescribed by the laws of this state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

Lien on real estate.

Injunction, etc.

§ 5. The register shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Columns, head of.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and register, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists, upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect

Warrants.

Collection of taxes, etc.,	said taxes, with interest and costs, by suit, in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: <i>Provided</i> , a notice published by the collector for ten days, in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter, shall be deemed a refusal. The assessor's list shall, in all cases, be evidence on the part of the city corporation.
List to be evidence.	<p>How collected. § 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and state taxes. He shall pay the same as fast as collected into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: <i>Provided</i>, the city council shall have the power to prescribe the powers, duties and liabilities of collectors by ordinance.</p>
Duties of collectors. Judgments.	<p>§ 8. Whenever the city council shall, by ordinance, resolution or other proceeding, in conformity with and by virtue of this act, levy any tax, either for general or special purposes, or make any assessment on any lot, ground or real estate, for the purpose of improving any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give thirty days' notice by advertisement in the newspaper publishing the city ordinances, that he will apply to the county court of St. Clair county for the purpose of obtaining a judgment against such delinquent lot or parcel of real estate for the amount of taxes or assessments and costs due and unpaid; and the county court shall hear and determine said application, and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect, as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of state and county taxes, and the court shall issue its precepts or order to the collector of the city directing him to sell said real estate at public auction to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix the time of said application to the county court, and the time and place of the sale of said real estate.</p>
Manner of conducting sales.	<p>§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of</p>

sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the city register, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The register shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

§ 10. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert*, or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city register, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the city register, conveying to such purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the register in the book wherein tax sales are recorded. A fee of one dollar may be charged by the register for any deed so issued.

Redemption.

Infants and
femme coverts.Abstract of
deeds.

Registers' fees.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

Deed of premi-
ses.

§ 12. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods or chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Bids at sale.

§ 13. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts:

Deeds evidence
of the rights of
purchaser.

Listed and assessed.

First.—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Not paid.

Second.—That the taxes or assessments were not paid at any time before the sale.

Not redeemed.

Third.—That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts :

Advertised.

First.—That the land or lot was advertised for sale, the length of time and the manner required by law.

Sold for taxes.

Second.—That the land was sold for taxes or assessments as stated in the deed.

Grantee the purchaser. Suits, etc.

Third.—That the grantee in the deed was the purchaser.

Fourth.—That the sale was conducted in the manner required by law ; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state ; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state, after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

ARTICLE X.

WATER WORKS.

§ 1. The city council shall have power—

Water-works.

First.—To erect and construct water works and to bore one or more artesian wells, either within or without the corporate limits of said city, for the purpose of supplying the city of Belleville with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Construction of hydrants.

Second.—To construct reservoirs, jets and public and private hydrants, and to lay pipes in and through all the streets, lanes, avenues, alleys and highways of said city, and to construct fountains in the public squares or such other public grounds of the said city as they shall deem expedient.

Third.—To purchase, hold and convey any personal and real estate which may be necessary and proper to carry out the intention and object of this act. Purchase real estate.

Fourth.—To appoint a superintendent of water works and such other officers, agents and employees as they may deem necessary, define their duties and fix their compensation. Superintendent.

Fifth.—To make all needful rules and regulations, concerning the use of water supplied by the water works of said city, and do all acts and make such rules and regulations for the construction, completion, management and control of the water works of said city as the said council may deem necessary and expedient.

§ 2. The said city council are hereby authorized to enter upon any land or water within or without the corporate limits of said city, for the purpose of making surveys or constructing any of the works authorized by this chapter, and to agree with owners of any property which may be required for the purposes of this chapter, as to the amount of compensation to be paid to such owner, for the property so taken or the amount of damages to be paid to such owner or owners, by reason of the construction of any of the works hereby authorized. Surveys.

§ 3. In case of disagreement between the city council and the owners of property which may, in the judgment of the said city council, be required for any of the purposes specified in this chapter as to the amount of compensation to be paid to such owners; or, in case such owner shall be an infant, a married woman, or insane, or absent from the state; or, in case of disagreement between the said city council and any owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said city council shall have the right to condemn said property, or to have the amount of such damages ascertained, or both, and the proceedings of the condemnation of such property or the ascertainment of such damages, or both, shall conform as nearly as may be to those specified and provided in the act entitled "an act to amend the law condemning the right of way for the purpose of internal improvement," approved June, 22, 1852, and the act or acts of which the same is an amendment. Property.

§ 4. The city of Belleville shall have power to construct such aqueducts on the highways or elsewhere, and to construct such pumping works, break-waters, subsiding basins, filter beds and reservoirs, and to lay such water mains and make all other constructions as shall be necessary for obtaining a sufficient and abundant supply of pure water for said city. Aqueducts.

§ 5. For such expenditures, pertaining to the supply of water to said city as are hereby authorized, the said city Expenditures.

council shall have power to borrow, from time to time, as they may deem expedient, a sum or sums of money not exceeding three hundred thousand dollars, and issue bonds of the city therefor, pledging the faith and the credit of said city for the payment of the principal and interest of said bonds. The proceeds of said bonds, when sold, shall be deposited with the city treasurer, to the credit of the water fund and appropriated to the objects and purposes pertaining to the water supply of said city, herein specified, nor shall the same or any part thereof be used by said city for any other purpose; said bonds shall bear interest at a rate not exceeding ten per cent. per annum, and shall not be sold at a rate which will net less than their par value: *Provided*, that before any such bonds are issued, the question shall be submitted by the city council unto the people of said city, at the next general election of said city, and if a majority of the voters voting thereon shall vote against the issuing of such bonds, then and in that case such bonds shall not be issued.

Proviso.

Taxes.

§ 6. Whenever any bonds are issued and sold, as herein provided, the city council shall have power, by ordinance, to annually levy and collect taxes not exceeding ten mills on the dollar, on the assessed value of all real and personal estate made taxable by the laws of this state, to pay the interest of said bonds, and provide a sinking fund for the liquidation of said bonds; and whenever a surplus of moneys from any source shall have accumulated in the hands of the treasurer, to the credit of the water fund, such surplus may be applied to the purchase of said bonds, in such manner as the city council may direct.

Water rents.

§ 7. The city council shall have power, from time to time, by ordinance, to provide for and assess, as water rents or assessments, such amount as they shall deem equitable, on any lots of land which shall abut or adjoin any street, avenue or alley in said city, through which the distributing pipes of the water works of said city are, or may hereafter be laid, which shall have a building or buildings thereon which can be conveniently supplied with water from said pipes; the said assessments shall be on the said lots and on the building or buildings thereon, whether the water from the water works of said city shall be used in such building or buildings or on such lot or not; and the said assessment shall be and become a continuing lien or charge upon all such lots or buildings situated thereon.

Separate accounts.

§ 8. All accounts pertaining to the water works of said city shall be kept separate and distinct from the accounts pertaining to the other funds of said city, and all moneys deposited with the city treasurer, on account of the water works, shall be by him kept separate and distinct from other moneys, as the water fund, and shall only be applied for the uses and purposes for which the same were received; and such moneys shall be held by the treasurer of the city

as a special fund separate and distinct from other funds, and he shall be deemed guilty of embezzlement if he shall pay out moneys for any account other than that belonging to such water fund, and shall be liable for indictment for so doing.

§ 9. If any person shall willfully do, or cause to be done, any act whereby any work, material or property whatever, constructed, provided or used within the city of Belleville or elsewhere for the purpose of procuring or keeping a supply of water, shall in any manner be injured; or, if any person shall willfully pollute the water, such person shall be subject to indictment, and upon conviction thereof shall be punished by fine, not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court, said fine to be paid into the city treasury. Penalties.

ARTICLE XI.

FIRE DEPARTMENT

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe. Powers of the council.

§ 2. The city council shall have power—

First.—To regulate the construction of chimneys and flues, so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys. Chimneys and flues.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, boilers, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, and to cause such as may be dangerous to be put in safe condition.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter all build-

ings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Sixth.—To regulate, prevent and prohibit the use of fire works and firearms.

Seventh.—To direct and prohibit the management of houses for the storing of gunpowder, coals, oils, tar and other combustible and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights, in stables and other like houses.

Eighth.—To regulate and prescribe the manner and order the building of parapet and partition walls and partition fences.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth.—To authorize the mayor, fire-wardens or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh.—And generally, to establish such regulations for the prevention and extinguishment of fires, as the city council may deem expedient.

Engines,

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—

First.—To organize fire, hook, hose, axe and ladder companies.

Firemen,

Second.—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take care and have the management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Duties of,

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same,

and for incapacity, neglect of duty or misconduct, to remove them.

Fourth.—The city council shall have power to appoint a chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Chief and assistant engineers.

§ 4. The firemen shall, during their term of service as such, be exempted from serving on juries or in the militia. The name of each fireman shall be registered with the city register, and the evidence to entitle him to the exemption, provided in this section, shall be the certificate of the register, under the corporate seal, for the year for which exemption is claimed.

Exemptions.

ARTICLE XII.

BOARD OF HEALTH.

§ 1. The board of health shall consist of one alderman from each ward, to be appointed annually by the mayor, and the mayor or presiding officer of the city council shall be president of the board and the city register shall be their clerk, and keep minutes of their proceedings.

Officers.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them, as hereinafter provided, and report with all convenient speed their opinion of the sickness of such person to the clerk of the board; and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

Duty of health officers.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which, in the opinion of the board, shall be infected by or tainted with pestilential matter, and ought to be removed so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

Quarantine and sanitary regulations.

§ 4. The city council shall have the power to prescribe the powers and duties of the board of health, and to punish

Powers and duties of board of health.

by fine or imprisonment, or both, any refusal or neglect to obey the orders and regulations of the board.

Powers of the health officers.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise, for the time being, such powers and perform such of the duties of the marshal or supervisor, as the city council may, in their discretion, direct; and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty, under this act or any ordinance.

Report of physicians.

§ 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the board, and for neglect to do so, shall be considered guilty of a misdemeanor and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt, in any court having cognizance thereof or before a justice of the peace, for the use of the city.

Penalty for neglect.

ARTICLE XIII.

JUDICIARY.

Magistrate pro tem.

§ 1. In all cases properly cognizable before the public magistrate of the city of Belleville, and the said magistrate shall be absent or otherwise unable to attend to the same, the mayor of said city shall have power to designate some other justice of the peace of said city to discharge the office of said police magistrate in such cases, who for the time being, shall have and exercise all the judicial powers of police magistrate.

Suits at law.

§ 2. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act, or the by law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Warrants.

§ 3. Police magistrates shall, upon proper information of any violation of any penal clause of the city charter, or of any penal ordinance of the city, issue a warrant to the city marshal or any police constable or any other officer authorized to execute the same, commanding him to forthwith apprehend the offender and bring him before him or any competent court; and if upon the trial it shall appear satisfactory to the court or jury, after hearing the evidence and proofs adduced in the case, that the accused is guilty of the offence complained of, such fine, penalty, forfeiture or imprisonment shall be imposed or adjudged against the offender as may be prescribed by the charter or ordinances. No process shall be necessary where the offender is arrested without warrant and brought before the court, but an entry of the cause, place

and time of arrest, shall be made upon the docket of the court, and trial had in the same manner as if process had been issued.

§ 4. The city may sue and declare for several fines, penalties or forfeitures for violations of the charter or ordinances of the city, and recover judgment for as many offences as may be proven, not exceeding the jurisdiction of the court, and may prove any offence committed before the commencement of the suit. Judgments.

§ 5. The city may appeal in all cases arising under the charter and ordinances of the city without giving security; and the mayor, in cases of appeals by the city, shall execute bond under the corporate seal, without sureties; and a resolution or ordinance of the city council authorizing the same, shall be sufficient authority therefor. Nor shall the city in any case be required to file bond or security for costs. Appeals, etc.

§ 6. All fines, forfeitures and penalties collected for offences committed within said city shall be paid into the treasury of said city, by the officers collecting the same; and all fines and forfeitures collected of any citizens of said city for any conviction in the circuit court shall be paid over in like manner. Fines and penalties.

§ 7. Neither the city council or the mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise. Fines.

§ 8. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of St. Clair whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or workhouse or city prison for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury. Execution.

§ 9. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Belleville, in any action or proceeding in which said city may be a party in interest. Incompetent judges, etc.

§ 10. The city council shall have power to require the police magistrate to report and settle quarterly, or oftener, and to conform to the ordinances and resolutions passed from time to time. Report and settlements.

Fees.

§ 11. The police magistrate and all other officers of the city shall not be entitled to receive any fees from the city, when from any cause the city shall be unsuccessful in the prosecution of any action, or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

Statements.

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period; together with such information as may be necessary to a full understanding of the financial concerns of the city.

Labor exemp-
tion

§ 2. The inhabitants of the city of Belleville are hereby exempt from working upon any road or highway, and from paying the tax in lieu thereof.

Richland Creek

§ 3. The water course known as Richland creek, in said city, or any natural branch leading thereinto, shall not be filled up, altered or changed, except in the manner prescribed by the city council; and the city council shall have power to establish and direct, and prescribe the manner of altering, changing and straightening, and to wall, fill up, culvert or sewer the same.

Surveys and
plats.

§ 4. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered, in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance, and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots, or fractional blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys.

Additions.

§ 5. The city council shall have power to adopt a plan for the laying out and platting of all additions which may be made to the city, or of sub-divisions of lands lying within the city, or within one half mile of the limits hereof, so as to establish regularity and uniformity in the streets and highways of the city and vicinity, and to require that all additions and subdivisions which may be so laid out or platted shall conform to such plan; and no map or plat of any addition to

said city, or of any sub-division of lands within the same, or within one half mile of the limits thereof, shall be entitled to record, or shall be recorded in the office of the recorder of St. Clair county, until the same shall have been approved by the city council of said city; and all such additions or sub-divisions shall be null and void unless a correct map or plat thereof shall be approved by the city council of said city before the same is filed for record.

§ 6. The city council shall in all expenditures for purposes strictly local expend annually in the several natural divisions of the city, such proportions, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division to the general fund. Expenditures.

§ 7. The street inspector, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine in the same manner as supervisors under the state laws. Penalties.

§ 8. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken. Reconsideration of votes.

§ 9. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the register, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places. Publication of ordinances, etc.

§ 10. The cemetery lots which may be laid out and sold, by the city or private persons for private places of burial, shall, with the appurtenances forever be exempt from execution and attachment. Cemeteries *exempt from attachment.

§ 11. Any person who shall destroy or injure any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction. Penalties.

12. All ordinances, regulations and resolutions now in force in the city of Belleville, and not inconsistent with this Conflicting acts repealed.

act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect.

Proof. § 13. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places, without further proof.

Style of ordinances. § 14. The style of all ordinances shall be, "Be it ordained by the city council of the city of Belleville."

Invalidation of acts. § 15. This act shall not invalidate any legal act done by the city council of the city of Belleville, or by its officers nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

Arrests without process. § 16. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such person in custody over night, or the Sabbath, in the watch house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

Appropriations. § 17. The county court of St. Clair county may, at its discretion, appropriate a reasonable share of the public revenue collected for county purposes, for the improvement of the streets, roads and bridges in the city of Belleville and leading to said city.

Digest of ordinances. § 18. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

Construction of act. § 19. Nothing in this act shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city and the various acts amendatory thereto, but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned.

Acts to be read as evidence in all courts. § 20. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice thereof shall be taken in all courts and places, and shall take effect from and after its passage.

APPROVED February 22, 1867.

AN ACT to incorporate the city of Kinmundy.

In force Feb. 25,
1867.

ARTICLE I.

OF BOUNDARIES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Kinmundy, in Marion county, be and they are hereby constituted a body politic and corporate, by the name and style of the city of Kinmundy, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure. Name and style.

§ 2. All that territory embraced within the following limits, to-wit: the east half and the east half of the northwest quarter, and the east half of the southwest quarter of section twenty-two, and west half of the northwest quarter, and west half of the southwest quarter of section twenty-three, township four north, range three east of the third principal meridian, shall be and is hereby declared to be within the limits of the city of Kinmundy. Boundaries.

§ 3. Whenever any tract of land adjoining the city of Kinmundy, shall be laid off into town lots, and duly recorded as required by law, the same shall be annexed to, and form a part of the city of Kinmundy. Additions.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both personal and real, beyond the city, for burial grounds and other purposes, for the use of said inhabitants of said city; to sell, lease, and convey, or dispose of property, and to do all other things in relation thereto, as natural persons. Corporate powers.

ARTICLE II.

OF THE CITY COUNCIL.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen. Mayor and aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years, and until their successors shall be legally qualified. Number of the members.

§ 3. No person shall be an alderman, unless at the time of his election, he shall be a free holder in said city, and shall have resided within the limits of the city, one year immediately preceding his election, and shall have the Qualifications.

necessary qualifications to vote for state officers ; be a resident of the ward for which he is elected, and a citizen of the United States.

Vacancies.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, or ceases to be a freeholder in said city, his office shall be declared vacated. The aldermen shall serve without compensation from the city fund, until there shall be five thousand inhabitants in the said city, and when the population shall exceed five thousand, they may receive such compensation as the city council shall determine.

Division.

§ 5. At the first meeting of the city council, the aldermen shall be divided by lot into two classes: the seats of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year ; so that one-half of the board shall be elected annually.

Contested elections.

§ 6. The city council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections under this act.

Absent members.

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Rule of proceedings.

§ 8. The city council shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

Journal.

§ 9. The city council shall keep a journal of its proceedings, and the yeas and nays when demanded by any member present, shall be entered upon the journal.

Aldermen not to hold other office.

§ 10. No alderman shall be appointed to any office under the authority of the city that shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected, nor shall be engaged in any contract with said corporation, while serving as such alderman.

Vacancies.

§ 11. All vacancies that shall occur in the board of aldermen, shall be filled by election.

Oath of office.

§ 12. The mayor or aldermen, before entering on the duties of their office shall take and subscribe an oath, or make affirmation that they will support the constitution of the United States, and of this state, and that they will well and truly, perform the duties of their office, according to the best of their skill and abilities.

Ties.

§ 13. Whenever there shall be a tie in an election of aldermen, the judges of election shall certify the fact to the mayor, who shall determine the same by lot in such manner as shall be provided by ordinance.

Meetings.

§ 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

ARTICLE III

OF THE CHIEF EXECUTIVE OFFICER.

§ 1. The chief executive officer of the city shall be a Mayor.
mayor, who shall be elected by the qualified voters of the
city, and hold his office for one year, and until his successor
shall be elected and qualified.

§ 2. No person shall be eligible to the office of mayor, Eligibility.
who shall not be a resident of the city for one year next
preceding his election, or who shall be under twenty-one
years of age, or shall not, at the time of his election, be a
citizen of the United States, and a freeholder.

§ 3. If any mayor, during the time for which he shall Vacancy.
be elected, remove from the city, or be absent from the city
for the space of six months, his office shall be vacant.

§ 4. When two or more persons shall have an equal Ties.
number of votes for mayor, the judges of election shall cer-
tify the same to the city council, who shall determine the
same by lot, in such manner as may be determined by ordi-
nance.

§ 5. Whenever an election of mayor shall be contested, Office contested
the city council shall determine the same as may be pre-
scribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office of Vacancy.
mayor, it shall be filled by election.

ARTICLE IV.

OF ELECTIONS.

§ 1. On the second Monday of April next, an election Time of hold-
shall be held in said city for one mayor, one marshal, one ing.
clerk, one street commissioner, one city surveyor, one treas-
urer, one assessor and police magistrate for the city, two
aldermen from each ward, and forever thereafter, on the
second Monday of April in each year, there shall be an
election for one mayor, one marshal, one clerk, one street
commissioner, one city surveyor, one treasurer, one assessor,
and one alderman for each ward.

§ 2. Montgomery Wilson, James C. Hawarth, Nathan- Trustees and
iel S. Hubbard, Bayard Chalfant, and William C. Dorris, their duties.
shall constitute a board of trustees for the said city of Kin-
mundy, and immediately after the adoption of the charter,
by the citizens, shall divide the city into four wards, describ-
ing particularly the boundaries of each ward, the wards [to]
be as nearly equal in population as practicable. The said
trustees shall by ordinance provide for the first election of
all [the] officers to be elected under this act, shall canvass
the vote and declare who are duly elected, and make return
of the election to the clerk of the county court and the sec-
retary of state of the election of police magistrate, in the

same manner that returns are made of the elections of justices of the peace.

Qualified voters § 3. All male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city, one year next preceding the election, and who shall have paid such city tax as they may be subject to, shall be entitled to vote for city officers.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Taxes.

§ 1. The city council shall have power and authority to levy and collect taxes, for city purposes, upon all property, real and personal, within the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof; *Provided*, that after three years from the organization of the city, a higher tax may be raised, if two thirds of the voters of the city shall agree thereto, at a special election for that purpose, called by the mayor and the city council, may enforce the payment of taxes in any manner prescribed by ordinance, not repugnant to the constitution of this state or of the United States.

Appointments.

§ 2. The city council shall have power to appoint a city attorney, and all such other inferior officers as may be necessary.

Penalties and securities.

§ 3. The city council shall have power to require of all officers appointed or elected in pursuance of this charter bonds, with penalty and security, for their faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed or elected as aforesaid to take an oath or make such affirmation as the city council may prescribe for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than ten per cent. per annum, nor shall any sum or sums be borrowed, as aforesaid, until after the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof, and if two-thirds of the legal voters of said city shall vote in favor of any such loan, the same may be negotiated, and not otherwise.

Indebtedness.

Appropriations.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

Contagious diseases.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

§ 6. To establish hospitals, and make regulations for the Hospitals.
government of the same.

§ 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same. Health regulations.

§ 8. To provide the city with water, to erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets. Water.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers. Repairs.

§ 10. To establish, erect and keep in repair bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require. Wards.

§ 12. To provide for lighting the streets and erecting lamp posts. Lighting of the streets.

§ 13. To establish, support and regulate night watches. Night watches.

§ 14. To erect market houses, to establish markets and market places, and provide for the government and regulation of the same. Markets.

§ 15. To provide for all needful buildings for the use of the city. Buildings.

§ 16. To provide for inclosing, improving and regulating all public grounds belonging to the city. Public grounds.

§ 17. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers. Auctioneers, peddlers.

§ 18. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property. Vehicles.

§ 19. To license and regulate porters, and the rates of porterage. Porters.

§ 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements. Exhibitions.

§ 21. To license or to suppress the sale of ardent spirits, malt, fermented, medicated and all other liquors; to restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses. Ardent spirit.

§ 22. To provide for the prevention and extinguishment of fires; to organize and establish fire companies. Fires, etc.

§ 23. To regulate the fixing of chimneys, and to fix the flues thereof. Chimneys and flues, etc.

§ 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials. Combustibles.

§ 25. To regulate and order parapet walls and partition fences, and to restrain cattle, sheep and hogs from running at large. Walls and fences.

- Weights and measures.** § 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.
- Lumber, etc.** § 27. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works.
- Hay and fuel.** § 28. To provide for the inspection and the weighing of hay and stone coal, the measuring of charcoal, firewood, and other fuel to be sold and used within said city.
- Beef, pork, etc.** § 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whisky in barrels.
- Lard and butter** § 30. To provide for and regulate the inspection of lard, butter, and other provisions.
- Bread.** § 31. To regulate the quality and weight of bread to be sold and used in the city.
- Bricks.** § 32. To regulate the size of bricks to be sold and used in the city.
- Enumerations.** § 33. To provide for taking enumeration of the inhabitants of the city.
- Elections.** § 34. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.
- City officers.** § 35. To fix the compensation of all city officers, and to regulate the fees of jurors, witnesses, and others, for services rendered under this act, or any ordinance made in pursuance thereof.
- Prisons, etc.** § 36. To erect, maintain and establish a city prison or jail, and to provide by ordinance for the confinement of persons therein for the breach of any ordinance of the city ; to regulate the police of the city ; to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and enforcement of such penalties ; to provide for compelling offenders to work on the streets ; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to the city, and disposed of by the city council under the ordinances of said city, for the general use and benefit thereof.
- Penalties.**
- Billiards.** § 37. The city council shall have exclusive power, within the city, to license or suppress any billiard tables or bowling alleys.
- Ordinances.** § 38. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state.
- Style of ordinances.** § 39. The style of the ordinances shall be : "Be it enacted by the city council of the city of Kimmundy."

§ 40. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper in the city, or be posted up in three of the most public places in the said city of Kinmundy, and shall not be in force until they shall have been published, as aforesaid.

Publication of
ordinances.

§ 41. All ordinances of the city may be proven by the seal of the corporation, and when printed in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Proof of ordi-
nances.

ARTICLE VI.

OF THE MAYOR.

§ 1. The mayor shall preside at all meetings of the city council, and in case of a tie shall have the casting vote, and in no other. In case of non attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board.

Presiding offi-
cer.

§ 2. The mayor or any two aldermen may call special meetings of the city council.

Special meet-
ings.

§ 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation to be prosecuted and punished. He shall, from time to time, communicate to the aldermen such information and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Vigilant and
active.

§ 4. He is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riots, to call out the militia to aid him in suppressing the same or other disorderly conduct; preventing and extinguishing fires, for securing the peace and safety of the city, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

Inhabitants to
aid in enforce-
ing laws.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

Exhibit of the
books, papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Execution of
acts.

§ 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for

Jurisdiction.

the purpose of enforcing the health and quarantine regulations thereof.

Salary of mayor. § 8. He shall receive for his services, of the city, such salary as shall be fixed by ordinance.

Penalties. § 9. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Marion county, and, on conviction, he shall be fined not exceeding two hundred dollars, and the court shall have power, on recommendation of the jury, to add to the judgment of the court, that he be removed from office.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

Private property taken. § 1. When it shall be necessary to take private property for opening, widening and altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken, and if the amount of said compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

§ 2. When the owners of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance; but no compensation in such case shall be made to those whose property shall be taken, their tenants or others, for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessments of benefits or damages that may accrue thereby to any of the petitioners.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor the inquest in writing, and signed by each juror.

§ 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefits as well as the injury happening by any such opening, widening or altering such street, lane, avenue or alley.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside, and cause a new inquest to be made.

§ 6. Upon a petition of two-thirds of the property holders, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley, in proportion to the benefit resulting thereto, for the purpose of draining, grading or planking sidewalks, and lighting such street, lane, avenue or alley: *Provided*, said tax shall not exceed in amount the cost of said sidewalks and lighting respectively; which tax shall be collected in the same manner as other city taxes.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

§ 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able-bodied male inhabitant in the city over twenty-one years of age to labor on said streets, lanes, avenues and alleys, not exceeding three days in each year; and any person failing to perform the such labor, when duly notified by the street commissioner, shall forfeit and pay not exceeding two dollars for each day so neglected or refused. Street labor.

§ 2. The inhabitants of the city of Kimmundy are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same. Exemption from road labor.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them. Punishment of offenders.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended. Statement of finances.

§ 5. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the county or circuit court, as the case may be, of said county of Marion, and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court, under the laws of this state. Appeals.

§ 6. Whenever the mayor shall absent himself from the city, or resign, or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number as president, who shall be mayor *pro tem.*, until the office shall be filled by election, as herein provided. Vacation of office.

§ 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity, within this state, without proof. Evidence.

Act repealed.

§ 8. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Powers and duties of officers.

§ 9. The city marshal or any other officer authorized to execute writs or any other process issued by any judicial officer in said city, shall have power to execute the same anywhere within the limits of the county of Marion, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of Marion county, with power to serve process and do all other acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law, shall hold his office for one year, and shall give bond as other constables are required by law to give, which bond shall be filed in the office of the county clerk.

Promulgation of act.

§ 10. The trustees named herein shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Kimmundy, and issue their proclamation for an election to be held in said town at least ten days prior to the election for city officers, at which election the inhabitants residing within the territory described in the second section of the first article of this act, who are authorized to vote for state officers, shall vote "For the Charter" or "Against the Charter;" and if a majority of votes given at such election shall be for the charter, this act shall immediately take effect as a law, and the trustees shall proceed as directed in article IV of this charter; but if a majority of the votes shall be against the charter, then this act shall be of no effect.

Decision of charter by election.

Fire-wardens.

§ 11. The members of the city council shall be, *ex officio*, fire-wardens and conservators of the peace within the city, and are hereby authorized, and it is made their duty to arrest all persons who are violating or have violated any ordinance of the city or any law of the state, with or without process, and have them prosecuted therefor, and any person or persons who shall willfully interrupt or oppose them in discharge of the requirements hereof shall be subject to the same penalties as though they had interrupted a marshal, sheriff or constable in the legal discharge of their duties. They shall, moreover, be exempt from jury duty and street labor or the payment of street taxes, during their terms of office.

Police magistrates.

§ 12. There shall be elected at the first election for city officers, and every four years thereafter, one police magistrate, who shall hold his office for the term of four years and until his successor shall be elected and qualified. The said police magistrate shall be, *ex officio*, justice of the peace of the said county of Marion, and shall have jurisdiction over the same matters and receive the same fees as are prescribed by law for other justices of the peace in this state,

with this addition that his jurisdiction shall extend to all cases where the plaintiff's demand shall not exceed the sum of three hundred dollars. The governor shall commission the said police magistrate, and he shall execute and deliver unto the city clerk, within twenty days after his election, a bond to be approved by the said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands, under any judgment or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined on him by this charter or the laws of this state to the best of his skill and abilities; said bond shall be made payable to the city council of Kimmunity for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate. Change of venue may in all cases be taken from the police magistrate to a justice of the peace: *Provided*, the demand in the case in controversy does not exceed one hundred dollars.

§ 13. No provisions of this act shall be so construed as to authorize the sale of ardent spirits, in any quantity whatever, unless licensed so to do by the city council. Ardent spirits.

§ 14. All moneys received for licenses shall be paid into the city treasury and be expended for city purposes. Disposition of moneys.

§ 15. This act to take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to amend an act entitled, "An act to incorporate the city of Alton." In force Feb. 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The street inspector may be required to superintend all local improvements in the city and shall carry into effect all orders of the common council in relation thereto; it shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading and improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers, to order the laying, relaying and repairing of sidewalks; to give notice to owners of property adjoining such sidewalks when required, and upon the failure of any person to comply with such, to cause the same to be laid, relaid or repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith and deliver the amount thereof to the city clerk to be laid before the common council; to make plans and estimates of

any work ordered in relation to streets and alleys, bridges, culverts and sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, of all moneys received and all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the common council, and shall be, *ex officio*, a deputy marshal.

Council.

§ 2. The common council shall have the management and control of the finances and all other property real, personal and mixed belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance, to remove and prevent all obstructions in the Mississippi river within said city, and to widen, straighten or deepen the same; to improve and preserve the navigation thereof, and to erect, repair and regulate wharves and docks, and to regulate the rates of wharfage within the limits of the city; to borrow money on the credit of the city, and issue the bonds of the city therefor, but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law; all bonds shall specify for what purpose they were issued and shall not be valid if sold for less than their par value; to appropriate money and to provide for the payment of the debts and expenses of the city.

Contagious diseases.

§ 3. The city council shall have power to make regulations to prevent the introduction of contagious diseases in the city, to make quarantine laws for that purpose, to enforce them in the city and within five miles thereof; to make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances and to punish the authors thereof, by penalties, fine, and imprisonment; to define and declare what shall be deemed nuisances and authorize and direct a summary abatement thereof; to provide the city with water; to make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water; to have the exclusive control and power over the streets, alleys, landings and public grounds and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, re-grade, clean or otherwise improve the same; to put drains and sewers therein and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury. To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereon; to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same

Water.

Bridges, etc.

or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons. To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location and to authorize their erection on the streets and avenues or public grounds of the city, and the continuation of such as are already erected on the same. To license or tax insurance companies or their agents and insurance brokers, for the purpose of procuring apparatus for the extinguishment of fires and the procuring and establishing proper water reservoirs for the same purpose. To erect and establish a workhouse or house of correction, make all necessary regulations therefor and appoint all necessary keepers or assistants; in such workhouse or house of correction may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by the proper officers, and all persons sentenced by any criminal court or magistrate in and for the city, for any assault and battery, petty larceny or other misdemeanor, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city, may, in stead of being committed to jail, be kept therein subject to labor and confinement. To annually levy and collect taxes on all property subject to taxation, when required for the erection of markets, hospital or workhouse; the purchase of steam fire engines and all other apparatus used for the extinguishment of fires, the purchase of market grounds, public squares, landings or for any other public improvements: *Provided*, the estimated cost of a steam fire engine and necessary apparatus, or of a workhouse or market house, may be apportioned by the common council and collected by a series of annual assessments. But no tax or taxes shall be levied in any one year, under this section, which shall exceed five mills on the dollar on the property assessed for any or all the purposes herein specified. The revenue arising from such markets, landing or other improvements, shall be applied to liquidating the costs thereof, and taxes shall be levied and collected to make up the deficiency.

Markets.

Work houses.

Vagrants.

Fire department.

§ 4. The common council shall have power, by ordinance, from time to time, to cause any street, alley or highway to be graded, re-graded, leveled, paved, re-paved, macadamized or planked, and to keep the same in repair; to cause cross and sidewalk, main drains and sewers, gutters, private drains and aqueducts to be constructed and laid, re-laid cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or landing now or hereafter laid out, and may cause such improve-

Streets, alleys, etc.

Sidewalks.

ments to be paid for out of the general fund of said city, or may cause the costs of such improvements to be assessed upon the property deemed benefited thereby in proportion as near as may be to the benefits.

Bonds, etc.

§ 5. The corporate authorities of the city of Alton are hereby authorized to issue bonds of the city of Alton, pledging for the security of the payment of the same the revenue which may be derived from the public landing of the city of Alton, under the ordinances which may be passed by said city: *Provided*, the amount of said bonds shall at no time exceed in the aggregate the sum of fifty thousand dollars, nor bear a greater rate of interest than eight per cent. per annum.

§ 6. The common council of the city of Alton are hereby authorized to issue the bonds of the city in any sum not exceeding one hundred thousand dollars for the purpose of improving streets, roads and bridges within the corporate limits of said city, or for any other public improvements, or for the purchase of steam fire-engines and necessary apparatus for the extinguishment of fires: *Provided*, said bonds shall not bear a greater rate of interest than the rate allowed by law, nor be issued except in payment for work done, labor expended or materials furnished under a contract with the city of Alton, or for steam fire-engines and apparatus actually purchased.

Expenditures.

§ 7. The common council shall, in all expenditures for the purposes strictly local, expend annually in the several wards of the city, such proportion, as nearly as may, of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each ward to the general fund; road taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

Repeal of ordinances.

§ 8. The common council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or this state for the good government, order and peace of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations and to punish violations thereof by fines, penalties and imprisonment in the city prison, or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offence, and such fine or penalty may be recovered, with costs in action for debt, in the name of and for the use of the city, before any court having jurisdiction, and punishment inflicted on any person upon whom any fine or pen-

Fines and penalties.

alty is imposed, shall stand committed until the payment of the sum, with costs, and in default thereof may be imprisoned in the city prison or work-house or be required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

§ 9. The common council shall, at least ten days before the annual election in each year, cause to be published in the corporation newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and the mode of disbursement; also, a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges, for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Statement of
finances.

§ 10. The said city shall remain divided into four wards, as the same existed during the year eighteen hundred and sixty-six, and the said wards, or any of them, shall not be changed, diminished or enlarged at any time after the first day of January, eighteen hundred and sixty-seven, and all by-laws or ordinances of said city inconsistent or conflicting herewith be and the same are hereby declared null and void.

Wards.

§ 11. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect and be in force from and after its passage, and all acts and parts of acts conflicting with this act are hereby repealed.

Construction of
act.

APPROVED February 25, 1867.

AN ACT to incorporate the city of Mount Carroll.

In force Feb. 25,
1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of all that district of country, in the county of Carroll and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic and corporate, under the name and style of "The City of Mount Carroll," and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, complain and defend in all courts of law and equity, in all actions whatsoever, and may make and use a common seal, and alter the same at pleasure; to take and hold, receive, purchase and lease property, real and personal and mixed, as the purposes of the corporation may require, within or without the limits and boundaries of said city; to sell, lease,*

Name and style

convey or dispose of property, real, personal and mixed, and to improve and protect said property, and to do all other things in relation thereto as natural persons.

Limits.

§ 2. The corporate limits and jurisdiction of the city of Mount Carroll shall embrace and include within its boundaries the following territory, viz: The east half of sections number one (1) and twelve (12), in township number twenty-four (24), north of the base line, in range number four (4) east of the fourth principal meridian, and the west half of sections number six (6) and seven (7), in township number twenty-four (24), north of the base line, in range number five (5), east of the fourth principal meridian, and whenever any tract of land adjoining the said limits, or any additions to said city shall be laid off into town lots, and the plat thereof shall be recorded, the same shall be and form a part of the city of Mount Carroll, as fully as if within the original corporate limits.

Wards.

§ 3. The city of Mount Carroll shall at present constitute one ward and one election district, and that the common council shall have power, by ordinance, to divide said city into as many wards as they may think necessary for the convenience of the people, and to change and alter the boundaries of said wards, and whenever said city shall be divided into wards, as herein provided, each ward shall constitute an election district and be entitled to two aldermen.

City officers.

§ 4. The municipal government of the city shall consist of a common council, composed of the mayor and four aldermen. The other officers of the corporation shall be as follows: A clerk, a treasurer, an attorney, a street commissioner, a police magistrate, a marshal, an assessor, a collector, and as many policemen and such other officers and agents as may be provided for by this act, or the common council may from time to time decide. The mayor, aldermen and police magistrate shall be elected by the legal voters of said city. All officers elected or appointed under this act, except the police magistrate, shall hold their offices for one year, and until the election or appointment and qualification of their successors respectively. All officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the common council by ballot, on the third Monday of April in each year, or as soon thereafter as may be, but the common council may specially authorize the appointment of watchmen and policemen, by the mayor, to continue in office during the pleasure of the common council: *Provided*, the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Time of elections.

§ 5. On the first Monday in the month of April, A. D. 1868, and on the first Monday in the month of April, in

each year thereafter, an election shall be held in said city, for one mayor and four aldermen, who shall hold their offices for one year and until their successors are elected and qualified, which first election shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon of said day, and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election; all subsequent elections shall be held and returns made and conducted as may be prescribed by ordinance.

§ 6. At said first election as aforesaid, and every four years thereafter, there shall be elected one police magistrate, to be elected and qualified as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, and all the provisions of said act and amendments are hereby declared applicable to said police magistrate.

Police magistrate.

§ 7. All male inhabitants of said city shall be entitled to vote for city officers who are qualified to vote for state officers, and shall have resided in said city thirty days next before any such election.

Qualified voters

§ 8. The president of the town of Mount Carroll, and the trustees thereof, shall be the mayor and aldermen of the city of Mount Carroll until their successors are elected and qualified. The present police magistrate shall be the police magistrate of said city until his successor is elected and qualified.

President.

§ 9. Every person elected or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States, and of this state, together with the additional oath prescribed in the constitution of this state for officers, and also that he will well and truly perform the duties of his office according to law and the best of his skill and ability.

Oath of office.

§ 10. No person shall be eligible to any of the offices elective by the people, unless he shall at the same time be a legal voter of said city, and shall have resided therein at least one year previous to the time of his election, and a freeholder within the city.

Eligibility.

§ 11. The common council shall judge of the qualifications of its officers, and also of the election returns, and shall determine all contested elections, as shall be prescribed by ordinance.

Election returns

§ 12. A majority of the common council shall form a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as they may prescribe by ordinance.

Quorum.

- Rules of proceedings. § 13. The common council shall have power to prescribe the rules of its proceedings, punish its members for disorderly conduct, for any violation of its rules, and with the concurrence of two-thirds of the members elected to expel a member.
- Journal of proceedings. § 14. The common council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.
- Vacancies. § 15. All vacancies which shall occur in the common council, or in the office of police magistrate, shall be filled by election.
- § 16. Whenever there shall be a tie in the election of mayor, alderman or police magistrate, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such way as shall be provided by ordinance.
- Vacation of office. § 17. If any of the elective officers of said city shall remove from said city during the term for which they have been elected, the office of the person so removing shall become vacant.
- Presiding officer. § 18. The mayor shall preside over the meetings of the common council and see that all the ordinances of the city are enforced, respected and observed, and that all the officers of the city discharge their respective duties. In the absence of the mayor, any one of the aldermen present may be appointed to preside. In case of a tie, the mayor shall have the casting vote, but no other.
- Councilmen not to hold other office. § 19. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold, any office of which the emoluments are paid from the city treasury, or paid by or directed to be paid by any act or ordinance of the common council; or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council. The members of the common council shall be conservators of the peace, and shall be exempt from jury duty and road and street labor during their term of office.
- Stated meetings. § 20. There shall be twelve stated meetings of the common council in each year, at such times and places as may be prescribed by the common council. Special meetings may be called by the mayor or any two of the aldermen.
- Bond and sureties. § 21. The common council shall have power to require all city officers to give bond with sufficient sureties for the due performance of all the duties of their respective offices.
- Compensation. § 22. The city officers, except in cases in which their compensation is regulated by law, shall receive such reasonable fees or compensation as the common council shall, by ordinance, order or resolution, direct and appoint.
- Further powers. § 23. The common council shall have power from time [to time] to require and prescribe other and further powers

and duties of all officers whose powers and duties are herein prescribed; and prescribe and determine the powers, duties and liabilities of all officers appointed or elected to any office under this act, and whose powers, duties and liabilities are not herein specifically mentioned.

§ 24. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten or attempt to break the peace, or be found violating any ordinance of the city, commit for examination or trial, and, if necessary, detain such persons in custody over night or the Sabbath, in the city prison or county jail, or other safe place, or until they can be brought before a proper magistrate, and shall have and exercise such other powers as conservators of the peace, as authorized by law or prescribed by ordinance. Arrests.

§ 25. The city marshal shall be a conservator of the peace, and shall have power to suppress riots and breaches of the peace, and to take into custody any person who shall in his presence be engaged in the commission of any such offence, or any indictable offence, and take such person before the proper magistrate for examination or trial; said marshal shall also have power to restrain, for a reasonable time, all persons who shall be found drunk, or who shall threaten or attempt to break the peace, or who shall violate, or threaten, or attempt to violate any ordinance or police regulation of said city; and he shall be authorized to command assistance for such purpose of every male inhabitant of said city over the age of eighteen years, to aid in the enforcing of the laws and ordinances of said city; and any person who shall without legal cause, not obey such call, shall forfeit to said city a fine not exceeding five dollars and not less than three dollars, to be recovered in an action of debt in any court of competent jurisdiction; and he may commit any such person to the city or county jail, and if necessary there detain such person over night, or the Sabbath, or until they can be brought before the proper magistrate for trial. The city marshal shall have power to execute writs or any other process issued by the police magistrate or any justice of the peace in said city, anywhere within the limits of the county of Carroll, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of Carroll county, with power to serve processes, and to do all acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law, and shall give bond, as other constables are required by law to give, which bond shall be filed in the office of the city clerk. Marshal.

§ 26. The clerk shall keep a record of the proceedings of the common council, at whose meetings it shall be his Clerk.

duty to attend ; and copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants upon the treasury, and sign the same, and keep an accurate account thereof, in a book to be provided for that purpose. He shall also have power to administer any oaths required by the laws of this state, or by this act or the ordinances of said city ; and shall be the keeper of the corporate seal.

Attorney, § 27. It shall be the duty of the city attorney to conduct all the law business of the corporation, and all other law business in which the city shall be interested, when so ordered by the common council. He shall draft all ordinances, bonds, contracts, leases, conveyances and such other instruments of writing as may be required by the business of the city, and to perform such other duties as may be prescribed by the ordinances of the city.

Treasurer. § 28. The city treasurer shall receive all moneys belonging to the city ; and keep an accurate account of all receipts and expenditures.

Warrants. § 29. All warrants drawn upon the treasurer must be signed by the clerk and countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable ; and no money shall be otherwise paid than upon such warrant so drawn. The treasurer shall keep a separate account of such fund or appropriation, and the debits and credits belonging to them, and to perform such other duties as may be ordained by the common council.

Collector. § 30. It shall be the duty of the city collector to collect all taxes and assessments which may be levied by said city, and perform such other duties as may be ordained by the common council.

Assessor. § 31. The city assessor shall perform all the duties in relation to the assessing of property for the purpose of levying the taxes imposed by the common council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities.

Street commissioner. § 32. It shall be the duty of the street commissioner to superintend all local improvements in the city, when so instructed by the common council, and to carry into effect all orders of said council in relation thereto. It shall be his duty to superintend the opening of streets and alleys, and the grading, improving and repairing of the same, the construction and repairing of bridges, culverts and sewers ; to order the laying, relaying and repairing of sidewalks ; to give notice to owners of property adjoining such sidewalks, when required, and upon the failure of any person

to comply with such notice, to cause the same to be laid, re-laid or repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith, in proportion to the benefits resulting thereto, and deliver the account thereof to the city clerk, to be laid before the council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account, and he shall render accounts thereof, and of all his proceedings, to the common council as often as required by them. He shall also see that the streets, alleys and sidewalks are kept free and clear of all obstructions, and do and perform all other acts and duties required of him by the common council.

§ 33. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession, belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor shall and may recover possession of the books, papers and property appertaining to his office in the manner prescribed by the laws of this state.

§ 34. The common council shall have the management, disposition and control of the finances and all the property, real, personal and mixed, belonging to the corporation; and shall likewise have power within the jurisdiction of the city by ordinance—

First.—To restrain and prohibit all description of gaming and fraudulent devices and all playing of dice, cards and other games of chance, with or without betting.

Second.—To license, tax, and regulate, suppress and prohibit billiard tables, and all other gaming tables, pin and ball alleys, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

Third.—To restrain, regulate, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, houses of ill fame, and other disorderly houses; and to license, restrain, regulate, prohibit and suppress the selling or giving away of any ardent spirits or intoxicating liquors, whether ardent, vinous or fermented, by any person within the city, (except by persons duly licensed,) except for sacramental, mechanical or medicinal purposes.

Fourth.—To tax, license and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers and pawn brokers.

Fifth.—To tax, license, regulate and suppress hackmen, draymen, wagoners, carters, porters, omnibus drivers, cab-

Penalties for non-surrender of office papers.

Finances and corporate property.

Games and gaming.

Billiard tables.

Disorderly houses.

Ardent spirits.

Merchants, peddlers, etc.

Vehicles, etc.

men, and all others, whether in the permanent employment of any individual, firm or corporation, or otherwise, who may pursue like occupations, with or without vehicles, and prescribe their compensation.

Exhibitions. *Sixth.*—To license, tax and regulate theatrical and other exhibitions, shows and other amusements.

Issuing license. *Seventh.*—To authorize the mayor or other proper officer of the city, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year. Not less than one dollar, nor more than three hundred dollars, shall be required to be paid for any license under this act: *Provided*, the sum of money required to be paid for a license to keep grocery, tavern, and to retail vinous, spirituous, mixed, intoxicating or fermented liquors, need not be uniform, but the common council may, in their discretion, fix the rate for such license, so that the same may be applied to any particular portion of the city, to be specified by ordinance. A bond, with surety, shall be taken on the granting of such license, for the due observance of the ordinance or regulations of the common council.

Riots and affrays. *Eighth.*—To suppress and prevent any riot, noise, disturbance, or disorderly assemblage.

Offensive establishments. *Ninth.*—To compel the owner or occupant of any grocery, cellar, tallow or soap factory, tannery, stable, barn, privy, sewer, drain or other unwholesome, nauseous or nuisance, house or place, to cleanse, remove or abate the same from time to time, as the health and comfort of the public may require.

Markets. *Tenth.*—To establish and regulate markets and other public buildings, and determine their location; and license and prohibit butchers, and revoke their licenses for misconduct in the course of trade; to regulate, license and restrain the selling of fresh meats, fresh fish and vegetables in the city, and restrain and punish for selling.

Distilleries, tanneries, etc. *Eleventh.*—To direct the location and management of, and regulate breweries, tanneries, and packing houses, and to direct the location, management and construction of, and regulate, restrain, abate and prohibit within the city, distilleries, slaughter houses, establishments for rendering or steaming tallow, offal, and such other substances as can or may be rendered, and establishments or places where any nauseous or offensive or unwholesome business may be carried on.

Storage of combustibles. *Twelfth.*—To direct and prohibit the location and management of houses for the storing of gunpowder, and other combustible and dangerous materials within the city.

Thirteenth.—To regulate the keeping and conveying of gun powder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out houses.

Fourteenth.—To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person and to punish and prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the streets, or alleys, or any place within the limits of the city, and also to regulate the rate of speed at which locomotives and railroad cars may be driven in said city.

Horse racing, riding and driving,

Animals that are attached to vehicles, &c.

Speed of locomotives.

Fifteenth.—To prevent the encumbering, or obstructing of sidewalks, streets, lanes, alleys, avenues, public grounds with carriages, carts, sleighs, sleds, wagons, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or materials whatever.

Obstructions.

Sixteenth.—To prevent any person from bringing, depositing or leaving within the limits of the city, or depositing or throwing into the Carroll creek, any dead carcass, or any other unwholesome or offensive substance, and to require the removal or destruction, by any person who shall have placed or caused to be placed upon, or near his premises, any such substances, or any putrid or unsound beef, pork, meat or fish, hides or skins of any kind, and, in his default, to authorize the removal or destruction of the same, by some officer of the city.

Dead bodies.

Unwholesome meats, etc.

Seventeenth.—To regulate and determine the times and places of bathing and swimming in Carroll creek, and to prevent lewd and obscene or indecent exhibitions, exposure or misconduct, or of the use of obscene or indecent language; to restrain and punish vagrants, mendicants, street beggars and prostitutes.

Bathing and swimming.

Obscene language.
Mendicants.

Eighteenth.—To restrain, regulate or prohibit the running at large of cattle, horses, swine, sheep, goats, geese, turkeys, chickens or other animals or fowls, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals or fowls, for a violation of any ordinance in relation thereto.

Animals at large

Nineteenth.—To prevent and regulate the running at large of dogs and sluts, and to authorize the destruction of the same, when at large contrary to ordinance; to prevent and regulate the rolling of hoops, playing of ball, flying of kites; to prevent the firing of crackers, squibs, rockets, firearms, and all manner of fireworks within the city, or any amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams or horses.

Dogs, sheep, etc.

Fire arms.

Twentieth.—To compel all persons to keep the snow, ice, dirt or rubbish from the sidewalks, in front of the premises owned or occupied by them; to prevent or regulate the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices, tend-

Rubbish, etc.

Bells and horns.

- ing to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise ; to establish and erect pounds, and regulate the same, and to provide penalties and fines for the breach thereof, or any injury thereto ; to establish, make and maintain public cisterns and reservoirs, and to dig wells and erect pumps in the streets, for the extinguishment of fires, and the convenience of the inhabitants : to provide for the prevention and extinguishment of fires, and to organize and establish fire companies, and to regulate the same, and to regulate the building and fixing of chimneys, flues and stove pipes ; to prevent the deposit of ashes in unsafe places.
- Breaches of the peace. *Twenty-first.*—To prescribe limits within which wooden buildings shall not be erected or placed, or repaired or removed without the permission of the common council, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials exclusively, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and prescribe the manner of ascertaining such damage.
- Fires. *Twenty-second.*—To prohibit and punish any willful or malicious destruction of public or private property ; to fence, improve, ornament and protect any public grounds, and to cause shade trees to be planted in the same ; to direct and regulate the planting and preserving of ornamental and shade trees in the streets, alleys and highways ; to take an enumeration of the inhabitants of said city, as often as they shall judge it necessary.
- Wooden buildings. *Twenty-third.*—To secure the general health of the inhabitants of the city ; to make regulations to prevent the introduction of contagious diseases into the city ; to establish hospitals and pest houses, and to provide for the removal of patients thereto ; to prevent the spread of contagious diseases, and make quarantine laws for that purpose.
- Public property. *Twenty-fourth.*—To erect street lamps, and regulate the lighting thereof, and from time to time create, alter and extend lamp districts ; to have exclusive power over the streets and alleys, and remove and abate any obstructions and encroachments therein ; to abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment, and define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.
- General health. *Twenty-fifth.*—To regulate the burial of the dead, and the registration of births and deaths ; to direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons and others, for any default in relation thereto.
- Lights and lamps. Births and deaths.
- Streets, alleys and highways.

Twenty-sixth.—To regulate the measurement and inspection of wood, lumber, shingles, timber, posts, staves and heading and all building materials, and to appoint one or more inspectors; to regulate the weighing and place and manner of storing and selling hay; to regulate the weighing and selling of coal, and the place and manner of selling the same; to regulate the inspection of flour, meal, pork, beef, poultry and other provisions, and salt to be sold in barrels, hogsheads or other packages; to regulate the inspection of whisky and other liquors, to be sold in barrels and other vessels; to create and regulate the police of said city; to appoint inspectors, weighers, gaugers, and regulate their duties, and prescribe their fees; to exclusively control, regulate, repair, amend and clean the streets and alleys, sidewalks and crosswalks, and other public grounds, and open, widen, straighten and vacate streets and alleys, and put drains and sewers therein.

Lumber.

Fuel.

Provisions.

Weights and measures.

Streets and alleys.

Twenty-seventh.—To borrow money, not exceeding one thousand dollars in any one year, without a vote of the legal inhabitants of said city, and pledge the revenues of the city for its payment, and issue bonds therefor.

Indebtedness.

Twenty-eighth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses to be assessed and collected in the same manner as sidewalk assessments.

Drains, sinks, etc.

Twenty-ninth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Destitute children.

Thirtieth.—To erect and establish a work-house, a house of correction, make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such work-house or house of correction may be confined all stragglers, vagrants, idle and disorderly persons who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate, in and for the city, or for the county of Carroll, for any assault and battery, petit larceny, or other misdemeanor, punishable by imprisonment in the county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city for any misdemeanor, breach of any ordinance of the city may, instead of being committed to the county jail of Carroll county, be kept therein and be subject to hard labor and confinement.

Work house.

Thirty first.—To appropriate money and provide for the payment of debts and expenses of the city, and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city.

Thirty-second.—The common council shall have power to pass, publish, amend and repeal all ordinances, rules and

Observance of ordinances.

police regulations not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof that may be necessary and proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such ordinances, rules or police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the magistrate or court before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars nor the imprisonment six months for any offence, and such fine or penalty may be recovered with costs, in an action of debt in the name and for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work-house, or be required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

Thirty-third.—The style of the ordinances of the city shall be, “Be it ordained by the common council of the city of Mount Carroll.”

Publication of
ordinances.

Thirty-fourth.—All ordinances of said city, before they come in force, shall be published ten days, either by posting written or printed notices thereof in three public places in said city, or by one insertion in a newspaper published in said city.

Proof of ordi-
nances.

Thirty-fifth.—All ordinances of said city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed and published by authority of the city, the same shall be received in evidence in all courts and all places without further proof.

Financial state-
ments.

§ 35. The common council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account expended.

Taxes.

§ 36. The common council shall have power, by ordinance, to annually levy and collect upon all property, real, personal and mixed, in said city, which shall be subject to taxation by the state and county, not exceeding one per cent. upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution and laws of this state or of the United States; or the said common council may, if they think proper so to do, by order, resolution or ordinance, adopt the annual assessment made of the property in said city by the town assessor, and cause the same to be collected

by the town collector, and if said common council shall determine to adopt the assessment made by the authority of the state and county, they shall give to the county clerk notice of their determination so to do, and the rate of taxation, and upon the receipt thereof said tax shall be extended and collected and its collection enforced in the same manner as other revenue: *Provided*, that nothing contained in this act shall be so construed as to prevent said common council from providing for the assessment and collection of such taxes by ordinance.

§ 37. The common council shall also have power by ordinance to levy and collect a special tax on the lots in any street, lane, avenue or alley, in proportion to the benefits resulting thereto, for the purpose of building sewers, water ways, and for paving, flagging, grading or planking any sidewalk, avenue or street, to the center of the same. Special taxes.

§ 38. The common council, by ordinance, may require every able-bodied male resident of the city, over the age of twenty-one years and under fifty years, to labor not exceeding three days in each year, upon the streets, alleys and avenues of said city, at such time and in such manner as the street commissioner may direct, but any such person may, at his option, pay in lieu thereof, one dollar for each day he shall be so assessed to labor, and such labor or payment shall be in lieu of labor required to be performed upon any road, street or alley, by any law in this state, and in default of the performance of such labor or payment of such money, the party thus neglecting shall forfeit and pay the sum of two dollars for each and every day so neglected or refused to be paid in labor or money, as aforesaid, to be recovered by the city before the police magistrate or any justice of the peace of said city.

§ 39. All ordinances heretofore passed or that may be passed by the president and trustees of the town of Mount Carroll, shall remain in full force until repealed by the common council, and all rights, actions, fines, forfeitures and penalties, in suit or otherwise, which have accrued to the president and trustees of the town of Mount Carroll, shall be vested in and prosecuted by the corporation hereby created. Prosecutions.

§ 40. All property, real, personal and mixed, belonging to the president and trustees of the town of Mount Carroll is hereby vested in the corporation created by this act.

§ 41. In all cases under the ordinances of said city, changes of venue and appeals shall be allowed, as in other cases before justices of the peace. Change of venue

§ 42. No person shall be an incompetent judge, magistrate, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which the city is a party in interest. Incompetent judges and witnesses.

Construction of act. § 43. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

Elections for or against charter. § 44. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed. This act shall be submitted to the legal voters of the territory herein named at the next regular town meeting. The tickets shall be indorsed "for the act" or "against the act," and if a majority of the votes cast are "for the act," the same shall become a law, but not otherwise. Returns of such election shall be made as in other cases of election, and the clerk of the county court of Carroll county shall file with the secretary of state his certificate of the fact that the provisions of this section have been complied with, with a statement of the result, and a certified copy of the same, under the hand and seal of the secretary of state shall be evidence in all courts and places of the facts therein contained.

APPROVED February 25, 1867.

In force April 26, 1867. AN ACT to amend an act entitled "An act to incorporate the city of La Harpe," approved February 24th, 1859.

Section 1 of article 5th amended. Rates and payment of taxes. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section first, article fifth, of the legislative powers of the city council of the city of LaHarpe, be so amended as to read as follows: "The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said city, not exceeding one-half of one per cent. upon the assessed value thereof," for municipal purposes and not exceeding two per cent. for school purposes, "and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state."

APPROVED February 25, 1867.

In force Feb. 25, 1867. AN ACT to amend the act entitled "An act to incorporate the city of Galesburg," approved February 4, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty-nine of the act entitled an act to incorporate the city of Galesburg, is hereby amended so that the police magis-

trate of said city shall be entitled to a fee of three dollars per day on trial in all cases where the demand sued for shall exceed one hundred dollars. Fees of magistrate.

§ 2. This act to take effect from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the city of Morrison.

In force when
adopted by the
legal voters.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Morrison, in the county of Whiteside, and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of "The City of Morrison," and by that name shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure. Name and style.

§ 2. The corporate limits and jurisdiction of the city of Morrison shall extend over and include within the same all that district of country situated in the county of Whiteside, and state of Illinois, embraced within section eighteen (18), in township twenty one (21) north, in range four (4) east of the fourth (4) principal meridian. Corporate limits.

§ 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal for the benefit of the city and to improve and protect such property and to do all other things in relation thereto, as may be necessary. Powers.

§ 4. The city of Morrison shall be divided into wards as follows: All that portion of country within said section eighteen (18), township twenty-one (21) north, in range four (4) east of the fourth principal meridian, lying north of the grounds owned and occupied by the Chicago and Northwestern railroad company, and east of Genessee street, in the present town of Morrison, shall be ward number one (1), and all that portion of country within said section eighteen (18), lying north of said grounds owned and occupied by the said Chicago and Northwestern railroad company and west of said Genessee street, in said town of Morrison, shall be ward number two (2), and all that portion Wards.

of country within said section eighteen, lying south of the north side of the grounds owned and occupied by the said Chicago and Northwestern railroad company.

Additions. § 5. Whenever any tract of land adjoining the city of Morrison shall be laid off into town lots, the same shall be recorded as now required by law, and shall be annexed to and form a part of said city of Morrison.

ARTICLE II.

OF THE CITY COUNCIL.

- Council. § 1. There shall be a city council, to consist of a mayor and board of aldermen.
- Number of members. § 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters thereof.
- Qualification of. § 3. No person shall be an alderman, unless at the time of his election, he shall have resided at least six months within the limits of the city, and shall be at the time of his election, twenty-one years of age, and a citizen of the United States.
- Vacation of office. § 4. If any alderman shall, after his election, remove from the ward from which he is elected, his office shall thereby become vacated.
- Division of. § 5. At the first meeting of the city council, the aldermen shall be divided by lot into two classes: the seats of those of the first class shall be vacated at the expiration of one year from their election, and of the second class at the expiration of the second year after their election, so that half of the board shall be elected annually.
- Returns, etc. § 6. The city council shall judge of the qualifications, elections, and returns of their members, and shall determine all contested elections.
- Quorum. § 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.
- Rules of proceedings. § 8. The city council shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.
- Journal of proceedings. § 9. The city council shall keep a full journal of their proceedings in a book or books provided for that purpose, which said book or books shall at all times be open to public inspection.
- Other offices and emoluments. § 10. No alderman shall be appointed to any office under the authority of the city which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been created.
- Vacancies. § 11. All vacancies that shall occur in the board of aldermen, shall be filled by the remaining members of the

said board of aldermen by the appointment from the ward wherein the vacancy occurred and a record of the same made in their said journal of proceedings.

§ 12. Whenever there shall be a tie in the election of mayor or aldermen, the judges of election shall certify to the city council, who shall determine the same by lot. Ties.

§ 13. The city council shall meet for business on the second Monday in each month, and at such other times as may be necessary, upon the call of the mayor or any three members of the council. Meetings.

ARTICLE III.

OF THE MAYORALTY.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year, and until his successor is elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States, and a freeholder within the city limits. Qualifications of

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated. Vacation of office.

§ 4. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance. Contested election of.

§ 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election. Vacancy in office

§ 6. The mayor shall preside at all meetings of the council, and shall have a casting vote, and no other, and in case of his non-attendance upon any meeting of the council the board of aldermen shall appoint one of their number chairman, *pro tem*. Presiding officer

§ 7. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said city, and to give notice of their negligence or violation of duty to the council, and at the regular meeting to communicate in writing to the aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, comfort and ornament of the city, and the city council shall have full power to enact all ordinances necessary to carry out such recommendation. Duties of.

§ 8. The mayor shall receive for his services such salary as shall be fixed by the said city council, in no case, however, to exceed the sum of — hundred dollars per year, Compensation of

and shall be so fixed and paid during the last month of the year that said mayor shall so hold his office; and in case of his neglect or omission of duty he shall be removed by the board of aldermen, who may hold a special meeting, appoint one of their number chairman, having notified said mayor of such meeting, and try and remove him for such neglect or omission; and in case of his said removal, no salary shall be granted or paid him by said city council, but it shall in all cases require a two-thirds vote of the aldermen to remove said mayor.

ARTICLE IV.

OF ELECTIONS.

Time, place and manner of holding.

§ 1. On the first Monday of May next an election shall be held in each ward of said city, for one mayor for said city, and two aldermen for each ward, and forever thereafter on the first Monday in May of each year there shall be an election held in each ward of said city for one mayor of the city and one alderman of each ward. The present board of trustees of the town of Morrison shall make the necessary arrangements for said first election, and fix the place in each ward, as above mentioned, for said election, and one of their present number shall preside at and hold such election in each of said wards, the said trustee acting as judge of said election, having power to administer the necessary oaths to clerks and others that may be required to take oath previous to voting. And the election returns from each ward shall be made up in manner and form as now required by law in case of town elections, and returned to the said board of trustees, or a majority of them, at the office of the said board of trustees immediately after such returns shall have been complete. The said present board of trustees, or a majority of them, shall determine the same and make record thereof in the present book of record of said town of Morrison; and for all elections to be held after said first election the city council shall, on their meeting in April of each year, or as soon thereafter as convenient, and before the first Monday of May, appoint one judge and one clerk of election for each ward for the then coming election, and make record of the same in their journal of proceedings, and in case any or either of said judges or clerks of election shall fail to attend, the mayor on the mornings of said elections may supply their places by appointment. The pay of said judges and clerks of election to be paid out of the city treasury the sum fixed and ordered by the said city council.

Judges of and duties.

§ 2. The judges of any city election, within three days after such election, shall deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll books and enter the result of the

election on their journal; and if the persons elected do not take the oath of office within ten days after said election, required by this act, their office shall be declared vacant, and a new election ordered.

§ 3. All male inhabitants over [the age of] twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city sixty days next preceding any city or ward election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in all city or ward elections in the wards in which they respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election. Qualified voters.

ARTICLE V.

APPOINTMENTS.

§ 1. The city council of the city of Morrison shall have the power to appoint a city marshal, who shall be, *ex officio*, collector; a city clerk, a city attorney, a city assessor, a city treasurer, a city street commissioner, and such other city officers as they may deem expedient, and they may give one or more of said offices to any one person, as they may see proper, and regulate their salaries and fix the same as they may think best and in accordance with the services performed by the said officers; and the city council may remove any of said officers at their pleasure, either for misconduct or any reasonable cause. Officers.

ARTICLE VI.

OF THE POWERS AND DUTIES OF CITY OFFICERS, ETC.

§ 1. The mayor and each alderman, before entering upon the duties of their offices, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities. Oath of office.

§ 2. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration the members of the city council shall agree, by a two-thirds vote, which shall be entered upon the journals, to pass the same, it shall go into effect, and if the mayor shall neglect to approve or object to any such proceedings Approval and confirmation of ordinances.

Proviso.

for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect: *Provided*, that should the mayor, at the time of the reconsideration of said vote, be absent from the city, and remain absent from the same for a longer period than ten days, exclusive of the three days above specified, after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. The mayor shall, *ex officio*, have power to administer any oath required by this act or any law of the state, to take depositions, acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

Presiding officer.

§ 3. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "acting mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office or the vacancy shall be filled by a new election.

Duties of clerk.

§ 4. The clerk shall hold his office for one year; he shall keep the corporate seal and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose, and he shall have power to administer any oath required to be taken by this act.

Duties of attorney.

§ 5. It shall be the duty of the city attorney to perform all professional duties incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor, or the city council, or its committees.

Duties of the treasurer.

§ 6. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by treasury warrant, signed by the mayor or by the presiding officer of the city council, countersigned by the clerk. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed

account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

§ 7. The city marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace, the collection of license moneys, fines or otherwise; he shall possess the powers and authority of a constable at common law under the statutes of this state and receive like fees, but shall not serve civil process without first entering bond as such constable, to be approved by the supervisor of the town of Mount Pleasant, as in other cases. He shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof; he shall also, as city collector, collect all taxes and assessments, when ordered to do so by the city council, which may be levied by the said city council, and moneys belonging to the city, and keep an accurate account of the same, and receive such per centage for so collecting as the city council may direct, and shall at any time pay over into the city treasury all said moneys, upon order so to do by said council.

Duties of marshal.

§ 8. The street commissioner shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto. It shall be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks, to give notice to the owners of property adjoining such sidewalks, when required, and upon failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired and apportion the costs thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk to be laid before the city council; to make plans and estimates of any work ordered in relation to streets or alleys, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office and all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council.

Duties of street commissioner.

§ 9. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified; they may also require all officers severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Morrison, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay

Other duties of officers.

Bond tax. over and deliver all moneys and other property received by them, which bond with the approval of the city council certified thereon by the clerk, shall be filed in his office for the benefit of any person aggrieved by the official act of the officer.

Surrender of office and property. § 10. If any person having been an officer of said city shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or appertaining to his office, he shall forfeit and pay, for the use of the city a sum not exceeding fifty dollars, besides all damages and costs caused by his refusal or neglect so to deliver, and such successor may recover possession of the books and papers and effects belonging to his office, in the same manner as prescribed by the laws of this state.

Commission of officers. § 11. All officers elected or appointed under this act shall be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the city council and the clerk, which commission shall be received in all courts of justice in this state of his official capacity.

ARTICLE VII.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Control of finances and property. § 1. The city council shall have control of the finances and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance.

Indebtedness. § 2. To borrow money on the credit of the city and issue the bonds of the city therefor, but no sum of money shall be borrowed at a higher rate of interest than that allowed by law, nor shall a greater sum or sums be borrowed or at any time outstanding than the aggregate of which shall exceed the sum of twenty-five hundred dollars, unless by a majority vote of the people at the annual election held in May of each year, and no bonds of the city shall be issued or negotiated at less than par value, except by the unanimous vote of the entire board in the affirmative, but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the contingent fund for the contingent expenses of the city.

Appropriations. § 3. To appropriate money for improvements or appropriate the same to provide for the payment of the debts and expenses of the city.

Sanitary measures. § 4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

§ 5. To establish hospitals, and make regulations for the government of the same.

- § 6. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same. General health.
- § 7. To provide the city with water, to erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets. Water privileges
- § 8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers. Street labor.
- § 9. To establish, erect and keep in repair bridges. Bridges.
- § 10. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require. Wards.
- § 11. To provide for lighting the streets and erecting lamp posts. Lights and lamps.
- § 12. To establish, support and regulate night watches. Night watches.
- § 13. To erect market houses, to establish markets and market places, and to provide for the government thereof. Markets.
- § 14. To provide for all needful buildings for the use of the city. Needful buildings.
- § 15. To provide for inclosing, improving and regulating all public grounds belonging to the city. Public grounds.
- § 16. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers. Merchants, peddlers, etc.
- § 17. To license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property. Vehicles.
- § 18. To license and regulate porters, and the rates of portorage. Porters.
- § 19. To license, tax and regulate all theatrical and other exhibitions, shows and amusements. Exhibitions.
- § 20. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses. Disorderly houses.
- § 21. To provide for the prevention and extinguishment of fires; to organize and establish fire companies. Fires and fire department.
- § 22. To regulate the fixing of chimneys, and to fix the fines thereof. Chimneys and flues, etc.
- § 23. To regulate the storage of gunpowder, tar, pitch, rosin, oils and other combustible materials. Combustibles.
- § 24. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large. Walls and fences.
Animals at large
- § 25. To establish standard weights and measures, to be used in the city in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, Weights and measures.

and to fix and enforce payment of fines for non-compliance with any such order.

Timber, etc. § 26. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works.

Forage and fuel. § 27. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, firewood, and other fuel to be used within said city.

Provisions. § 28. To provide for and regulate the inspection of tobacco, and beef, pork, flour, meal and whisky in barrels.

§ 29. To provide for and regulate the inspection of butter, lard and other provisions.

Bread. § 30. To regulate the weights and quality of bread to be sold and used in the city.

Bricks. § 31. To regulate the size of bricks to be sold and used in the city.

Census. § 32. To provide for taking enumeration of the inhabitants of the city.

Police. § 33. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties and to use the county jail as a lock-up.

Billiards. § 34. The city council shall have exclusive power, within the city, by ordinance, to license, regulate and restrain the keeping of billiards and billiard tables.

Liquor traffic. § 35. The city council, by ordinance, shall have exclusive power to license, prohibit or regulate in any manner they see fit the selling, bartering or trafficking of any wine, rum, gin, brandy, whisky, malt liquor, strong beer, ale, porter, mixed liquors or any intoxicating liquors whatsoever.

Dogs at large. § 36. To regulate the running at large of dogs and authorize the destruction of the same, if at large contrary to ordinance.

Riding and driving. § 37. To prevent horse racing or immoderate driving or riding of horses or other animals, and to prohibit the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles whenever standing in the streets of said city.

Animals at large § 38. To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and fowls, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

Destitute children. § 39. To authorize and direct the taking up and providing for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care.

Breweries, etc. § 40. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith

shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for rendering or steaming lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

§ 41. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and sewers, and ditches, and culverts, when the city council shall deem necessary; to prohibit said railroad companies from leaving cars standing across streets, to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city.

Railroad repairs

ARTICLE VIII.

OF ASSESSMENTS, TAXATION, ETC.

§ 1. All real estate and personal property within the limits of the city of Morrison, Whiteside county, Illinois, shall be subject to taxation, and taxes may be levied and collected on the same for the use and benefit of said city. The city council shall have power to levy and collect taxes annually for the general purposes of the city upon all taxable, real and personal property within the city limits in any sum they may deem expedient, but never to exceed one per cent. upon the assessed value thereof without first having been submitted to a vote of the taxable citizens of the city and approved by three-fifths of the voters therein and in such never to exceed *two* per cent. in any one year.

Taxes.

§ 2. The assessor shall assess all the real estate and personal property in said city, so far as practicable, he shall ascertain the names of all owners of taxable property and the amount of all taxable real estate and personal property, and for this purpose he shall call upon each taxable inhabitant of said city.

Assessments of

§ 3. The assessor shall prepare an assessment roll with a caption in substance as follows: "An assessment roll of all the real estate and personal property within the limits of the city of Morrison, Whiteside county, Illinois, made by the assessor of said city for the year 18—," and shall set down in separate columns according to the best information in his possession: *First*, the names of all owners, if known, of all taxable real estate within the limits of said city; if the owner is unknown it shall be so stated. *Second*, the description of all real estate opposite the name of the owner, or word "unknown" when the name of the owner

Assessment rolls

can not be ascertained. *Third*, the value of the real estate opposite the description. *Fourth*, the amount of tax assessed opposite to the value. The said assessment roll shall also contain in parallel columns, *First*, the names of the owners of personal property subject to taxation, in alphabetical order. *Second*, the assessed value of the personal property taxed to each individual. *Third*, the amount of tax on each individual's personal property.

Certificates of.

§ 4. After the said assessment roll shall have been thus completed the said assessor shall attach thereto a certificate signed by him in substance as follows; "I do hereby certify that the above assessment roll contains, according to my best information a true and correct list of the names of all the owners of taxable property real and personal within the limits of said city, a description of each parcel of real estate set opposite the names of the owners, or set opposite the word "unknown;" in cases where, after diligent search and inquiry I have been unable to ascertain the name of the owner, the value of said parcels of real estate set opposite each one, the amount of tax on each of said parcels of real estate set opposite the same, the aggregate value of personal estate of each owner set opposite his name and the amount of tax on said personal estate set opposite his name." Said assessment roll, so certified, shall, on or before the the second Monday in July then next be returned to the clerk of the city council.

Reviews, alterations and corrections of.

§ 5. Previous to the third Monday in July the assessment may be inspected by any person interested in the same. On the third Monday in July of each year there shall be a meeting of the city council for the purpose of reviewing the assessment. On the application of any person conceiving himself aggrieved by the assessment, the city council, upon being satisfied that the same is erroneous, may review, alter and correct such assessment.

Publication of returns.

§ 6. Immediately after the return of the assessment roll, it shall be the duty of the city clerk to cause to be inserted in a newspaper published in said city, or posted up in three public places in said city, a notice that the assessment roll has been returned and may be inspected by any person interested therein, and of the time when the city council will meet to hear applications for reviewing said assessment.

Collection of warrants.

§ 7. Immediately after said assessment roll shall have been corrected by the city council, the clerk shall make out a true copy thereof, as corrected, to which, after being satisfied that the same is a correct copy as above, the city council shall annex a warrant signed by the mayor of said city, requiring the collector to collect from the several persons the several amounts of taxes set opposite their respective names, and pay the same to the treasurer of the city, and if any resident of said city shall neglect or refuse to pay his tax within ten days after demand made of said

resident, or at his last or usual place of residence, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving six days' notice of the time and place of sale by posting up a notice thereof in three public places in said city, shall sell as many of said goods and chattels as may be necessary to make the amount of tax. In cases where the owner is not a resident of the city the collector shall proceed to levy and sell without previous demand. The said warrant shall be returnable on the first Monday in October, after the date thereof, at which time the said collector shall return said warrant and tax list to the clerk of the city council and pay over all money by him collected to the treasurer and take his receipt for the same.

§ 8. In the return of said warrant, the collector shall give a list of the names of the persons whose tax and personal property he has been unable to collect, on account of not finding goods and chattels whereon to levy; the value of the property assessed and the amount of the tax thereon, and state in said return that he has been unable to collect the tax; and the city council may give him credit for the amount of taxes he has been unable to collect.

Return of warrants.

§ 9. The collector shall also make a list of the real estate upon which the taxes have not been paid or collected, and state to whom each parcel of said real estate was assessed, or that the same was assessed to a person "unknown," and describe said real estate, and give the amount of tax on each parcel. The collector shall return said list at the time last aforesaid, with a certificate, signed by him, that said taxes remain unpaid, and that he could find no goods or chattels whereon to levy and collect the same, and the city council may credit him with the amount.

Duties of collector therein.

§ 10. Within twenty days after the return of said list, the clerk shall cause the same to be published in a newspaper printed in said city, together with a notice in substance as follows: "It appearing from the return of the collector that the taxes on the above described parcels of real estate remain unpaid, notice is hereby given that the said real estate will be exposed, in separate parcels, at public auction on the — day of —, 18—, at 10 o'clock in the forenoon, at the door of the clerk's office, in the city of Morrison, and sold, for the purpose of making said taxes, and fifty cents for cost of selling each lot or parcel in case of sale." Said sale shall be at least thirty days after the publication of said notice.

Duties of clerk therein.

§ 11. The collector shall attend said sale and act as auctioneer, and sell all the lots or parcels of real estate so advertised, upon which the taxes and cost remain unpaid at the time of selling. The clerk shall also attend said sale, and enter in a book provided for that purpose a description of the real estate sold, the name of the purchaser, and the

Sales of property

amount of his bid; and shall make out and deliver to said purchaser a certificate, giving a description of the real estate by him purchased, the amount of taxes and costs due separately, and the amount of his bid, stating that said purchaser will be entitled to a deed for the real estate described in such certificate at the expiration of one year, unless the same shall be redeemed. The clerk shall receive the taxes and cost due at any time before sale, and pay the same over to the treasurer, taking his receipt for the same.

Bids.

§ 12. In case no person shall bid, the amount [of] taxes and cost charged upon any of said real estate, the same may be advertised and sold at any time within six months thereafter. The manner of proceeding in such second sale shall be the same as hereinafter mentioned, as near as may be.

Manner of sale.

§ 13. All lands sold for taxes and assessments assessed under this charter shall be sold off of the east side, as in cases of sales for county and state taxes, and may be redeemed within one year from the sale, in the same manner, upon the same terms as lands are now redeemed in cases of sale for state and county taxes, by payment of the necessary amount to the said city clerk; and the said city clerk shall keep and preserve said books of sale in his office, and enter said redemption therein. Said books shall be *prima facie* evidence of the matters contained therein.

Redemption of.

§ 14. In case said lands shall not have been redeemed as aforesaid, it shall be the duty of the mayor of said city to execute and deliver to the purchaser a deed of the premises, which shall be in substance as follows: "Whereas, on the — day of —, A. D., — at a public sale made by the collector of the city of Morrison, for taxes duly assessed by said city for the year —, A. B. became the purchaser of the following described real estate, viz: —, for the sum of — dollars, that being the amount of the assessment and cost on the —. Now, therefore, know all men by these presents, that I, C. D., mayor of said city, in consideration of the premises, hereby grant, bargain and sell and convey unto the said A. B., his heirs and assigns, the real estate above described as so purchased by him, subject to the rights of infants, *femmes covert* and others to redeem; to have and to hold the same to the said A. B., his heirs and assigns, forever. Witness my hand and seal of said city, this — day of —, in the year of our Lord," etc.

Form of deeds.

Acknowledg-
ment of.

§ 15. Deeds on sales for taxes and assessments assessed upon real estate under this charter shall be acknowledged as other conveyances, and when executed and acknowledged as aforesaid, they shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings as might otherwise be required to be proved in order to establish the title in the purchaser.

§ 16. The clerk and collector shall each be entitled to twenty cents for each parcel of land sold in full satisfaction for their services in making such sale, and the balance of said cost shall be paid into the city treasury. All other expenses attending such sale shall be allowed and paid by the city council.

Fees for collection of.

§ 17. Power is hereby also given the city council of said city to provide by ordinance that all taxes levied, assessed and collected under and by virtue of the provisions of this act, shall be assessed and collected by the same assessor and collector whose duty it shall be by general law to assess and collect the state and county tax for township twenty-one north, of range five east of the fourth principal meridian, in said Whiteside county. If said city council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court on or before the first day of September of each year of the rate per cent. of the taxation levied by them for city purposes, for said year, and also for all special assessments for any purpose in said city, and assessments for the purpose of laying out public grounds, streets, alleys, lanes or highways, and altering, widening, contracting, repairing or the discontinuing the same, either or all, as the said city council may direct; and it shall thereupon be the duty of the said county clerk to carry out each and extend said tax upon the books of the collector in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer, whether resident or non-resident, owning property in said city; and said city tax shall be collected in every respect and the collection thereof enforced in like manner and with like remedies, as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Any court which shall render judgment in said Whiteside county against lands and lots in said city for non-payment of taxes due the state and county, shall at the same time include in the same judgment any and all taxes which may be due said city in any such property. For his services in carrying out, adding and extending said tax in the books of the collector, said county clerk shall receive one half cent for each lot or tract, and one half cent on each person's name assessed for personal property, to be paid out of said city tax when collected. The collector shall receive the same compensation which may be allowed by law for the collection of school taxes, and shall be liable on his official bond for the payment of all such city taxes by him collected; the fees of the collector to be paid out of the taxes when collected.

Manner of assessment and collection in certain cases.

Compensation for.

ARTICLE IX.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

- Possession of private property for public purposes. § 1. The city council shall have power, upon the petition of one-half of the owners of the property fronting thereon and lying within six hundred feet thereof, and without such petition, by the unanimous vote of the city council, to open or lay out public grounds or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining such street, alley and highway, unless by a unanimous vote of the city council. The city council shall cause all streets, alleys or highways, or public squares or grounds laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken, and the same, when opened and made, shall be public highways, and public squares.
- Surveys and records of. § 2. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice, by two insertions in a weekly paper, or six insertions in a daily paper, in the newspaper publishing the ordinances of the city, or by posting three written notices in three public places in the city, at the expiration of which time, they shall appoint three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time determine what persons will be benefited by such improvements, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties. They shall give at least five days' personal notice of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, which notice shall be given only to the owners who are residents thereof, and known; they shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.
- Compensation for.
- Publication of notice.
- Damages and benefits.
- Notice of meetings.

§ 3. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly the value of such building to him to remove.

Value of buildings.

§ 4. At least five days' notice shall be given to the owner, of such determination, when known and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident or unknown, like notice to all persons interested shall be given by one publication in the newspaper publishing the ordinances of the city, or by posting three written notices in three public places within the city. Such notice shall specify the buildings and the award of the commissioners. It shall also require the persons interested to appear by a day to be named therein, not exceeding thirty days, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such buildings to be taken, with the land condemned or appropriated, or of their intention to receive such building, he shall have such reasonable time for that purpose as the city council may direct.

Publication of notice to the owners of the awards.

§ 5. If the owner refuses to take the building at its appraised value to remove, or fail to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction for cash or on credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Refusal of owners.

§ 6. In making their assessment the said commissioners shall ascertain the value of the land taken and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners respectively, and be a lien upon the property on which it may be assessed, and collected as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner, shall be a credit to him on the assessment against him for his share of the improvements, and if more, the difference shall be paid him in money before the land is taken, or deposited to his use. Said commissioners shall particularly describe the lands and parcels on which either assessment may be made and make a return of their proceedings and assessments to the city council within ten days after its completion.

Value and expenses of lands.

§ 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, or by posting up in three public places, three written

Publication of notice of returns.

or printed notices of the same, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the city council, unless objections are made to the same by some person interested. Objections may be heard by the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to alter, confirm or amend the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered directing a warrant to issue for the collection thereof.

Removal of the
commissioners

§ 8. The city council shall have power to remove the commissioners, and from time to time to appoint others in place of such as may be removed, refuse, neglect, or are unable from any cause to serve.

Appropriation
of land.

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or highway, or public ground, or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or agent can not be found in the city, deposited to his or their credit, in some safe place of deposit other than the hands of the treasurer; and then and not before, such land may be taken and appropriated for the purpose required in making such improvements; and such streets, alleys and other highways or public grounds, may be made and opened.

Appeals.

§ 10. Any person interested may appeal from any order of the city council for opening, widening, altering, or straightening any street, alley or other highway or public ground to the circuit court, after the passage of said final order, as in other cases of appeals. Upon trial of the appeal, all questions involved in such proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony, adduced to the court, or upon application of the city or any party, the amount may be assessed by a jury in said court, without formal pleadings and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the council, for any omission or informality, without injury has resulted therefrom.

Infants.

§ 11. When any owner known, or other person, having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court, or any judge of a court of record, may, upon the application of the city council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summons required by this act shall be served on such guardian; and the final determination of either the common council or court in the premises shall be conclusive on such infant,

and the proceedings shall not be opened at any time thereafter.

§ 12. It is however here provided that none of the petitioners, petitioning the said city council, under the first section of this article, shall be entitled to any damages under this article, unless by the unanimous vote of the city council, and then only such sum or sums as the said council shall so vote. Damages.

ARTICLE X.

PUBLIC IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

§ 1. The city council shall have power, from time to time, upon the petition of one-half the owners of the property fronting thereon, and lying within six hundred feet thereof, or without such petition, by the unanimous vote of the council, to cause any street, alley or other highway, or section thereof, to be graded or regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and crosswalks, main drains and sewers, and private drains and sections thereof, to be constructed, laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament, any public square or other public ground, now or hereafter laid out. Street improvements.

§ 2. The city council shall have power to assess and collect a special tax upon the taxable property within the corporate limits of the city, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance; all expenses and damages for the purpose of grading, paving, planking or re-planking such street, sidewalk, pavement or other highway: *Provided*, that the city council shall first assess to each lot or parcel of land to be benefited by such improvement the special benefits each will derive from said improvement, charging such benefits upon each lot or parcel of land, and the residue of the cost of such improvements shall be paid out of the city treasury. Special taxes.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner as prescribed in the foregoing section. Such expenses may likewise be collected by the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisances, if known, or any person whose duty it may be to remove or abate the same. Expenses incurred.

§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley to keep the same clean, and, if necessary, to Streets, alleys, etc.

direct the same to be paved, planked or otherwise and the costs thereof to be assessed and collected in the same manner as prescribed in section second of this article.

ARTICLE XI.

OF TAXATION.

Street labor.

§ 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, [to require] every male inhabitant in said city, over twenty-one years of age and not exceeding fifty, to labor on said streets, lanes, avenues and alleys, not exceeding three days of ten hours each in each year, and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay a sum not to exceed one dollar for each day so neglected and refused, as said city council may provide.

Exemption
from road la-
bor.

Proviso.

§ 2. The inhabitants of the city of Morrison are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same: *Provided*, that the city council may, at their discretion, cause one-fourth of the labor tax to be laid out on roads leading into said city, and may expend a portion of the city tax upon the same, not to exceed one-eighth of the amount annually assessed.

Exemption from
corporation
taxes.

§ 3. All lands lying and being within the corporate limits of said city, the same being in fields containing ten or more acres, and the same never having been laid off [into] lots or blocks and upon which no buildings are situated and unoccupied, shall, until the same either becomes occupied or buildings be erected thereon or laid off into lots or blocks, be exempt from all corporation tax.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

Enforcement
and repeal of
ordinances.

§ 1. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, in the discretion of the court or magistrate before whom conviction may be had, but no fine or penalty shall exceed one hundred dollars, nor the imprisonment of four months, for any offence; and such fine or penalty may be recovered, with costs, in an action of

debt, by a common summons as issued by justices and magistrates in other cases, and to give the special matter in evidence under it in the name of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail or required to labor on the streets or other public works of the city for such time and in such manner, under the supervision of the street commissioner or police, as may be provided by ordinance.

§ 2. In all prosecutions for any violation of any ordinance, by-law or other regulation (except as hereinafter provided), the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases, and warrants may issue in all cases upon such oath or affirmation, whenever the same can issue for a similar offence under our statutes, or whenever the ordinance under or upon which the same be made, provides for the issuing of a warrant. Processes.

§ 3. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace or be found violating any ordinance in relation to the preservation of the peace and quiet of said city, or the granting of licenses or suppression of nuisances and misdemeanors, commit for examination, and, if necessary, detain such person in custody over night or the Sabbath, in the county jail or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers as conservators of the peace as the city council [may] prescribe. Arrests.

§ 4. All fines, forfeitures and penalties collected for offences committed within the city, shall be paid into the treasury of the city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city for any conviction in the circuit court, shall be paid over in like manner. Disposition of
fines, penalties
and forfeitures.

§ 5. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Morrison, in any action or proceeding in which said city may be a party in interest, unless the said judge, justice, witness or juror, shall be a party to the suit, then the same rules shall govern as in the practice in other cases in this state. Incompetent
judges, etc.

§ 6. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Whiteside, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail for Executions.

a term of not exceeding four months, in the discretion of the court rendering judgment; all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Remission of fines, etc. § 7. Neither the city council nor mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction, by indictment or otherwise.

Penalty for destruction of public buildings. § 8. Any person who shall injure or destroy any bridge or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding one hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding four months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction: *Provided, however,* that the prosecution of any person or persons for the violation of any section of this act or ordinances passed by virtue of this act imposing any fine, penalty or imprisonment for a [violation] thereof, whenever the violation of the same may be declared to be a crime or misdemeanor under the general criminal code or law of this state, shall not take away the rights of punishment under said general criminal code or law, but said person or persons so offending, may be fined, imprisoned or punished under either or both of said laws.

Proviso. § 9. The city council shall have power to require the police magistrate to report and settle quarterly, or oftener, and conform to the ordinances and resolutions passed from time to time.

Quarterly settlements of magistrates. § 10. The police magistrate and all other officers of the city shall not be entitled to any fees from the city, when from any cause the city shall be unsuccessful in the prosecution of any action or shall be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same.

Fees of officers. § 11. At the election held under this charter for city officers, there shall be elected one police magistrate for said city, who shall have the like jurisdiction and powers in all respects, and be governed by the same laws, as provided by the general statutes of this state in relation to police magistrates. Said police magistrate so elected shall hold his

Police magistrates.

office for four years, and until his successor shall be elected and qualified. He shall be commissioned in the same manner as other police magistrates and justices of the peace are by law: *Provided*, that the present police magistrate of the town of Morrison shall be the police magistrate of the said city of Morrison until the expiration of the term for which he was elected police magistrate of the said town of Morrison, and until his successor shall be elected and qualified. Proviso.

§ 12. The city council shall have power to recall and withdraw from circulation any of the matured city bonds for city indebtedness, for the purpose of paying the same, or to have new bonds issued to those who are legally entitled to them; but in no case shall such bonds be disposed of under par, except as provided by section second, article seven of this act. City bonds.

§ 13. All ordinances may be proved by the seal of the corporation of the city, and when printed or published in a book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof, and the book or books of city records and journal of proceedings kept by the city clerk shall be received in evidence in the trial of any case or cases wherein the city may be a party, without further proof, and all ordinances may be proved by the introduction of the same, properly signed and sealed, or by the introduction in evidence of the book of records or the journal of proceedings of the city council containing the same. Proof of ordinances.

§ 14. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places. Publication of ordinances.

§ 15. Appeals shall be allowed from the decisions in all cases arising under the provisions of this act or under any ordinance passed in pursuance thereof, that may be brought before any justice or other magistrate, to the circuit court of Whiteside county, and every such appeal shall be taken and granted in the same manner and with [like] effect as appeals are taken from justices of the peace to the circuit court under the laws of the state. Appeals.

§ 16. The style of the ordinances shall be, "Be it ordained by the city council of the city of Morrison." Style of ordinances.

§ 17. Any tract of land adjoining said city which may be laid off into blocks or lots and only platted according to Additions.

law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

Statement of
finances.

§ 18. The city council shall, at least ten days before the annual election in each year, cause to be written and posted in the clerk's office, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement; and, also, a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Fire depart-
ment.

§ 19. The city council shall have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate and prevent the erection of manufactories dangerous in causing fires; appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle or suspicious persons, and to compel any person or persons present to aid in extinguishing fires or in the preservation of property exposed to the danger of the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

Jurisdiction.

§ 20. The police magistrate and justices of the peace who now have and hereafter may have their offices within the corporate limits of the city, shall have jurisdiction to hear and determine all cases in which the said city may be a party under or by virtue of this act or any ordinance or by-law of said city.

Vested proper-
ty.

§ 21. All property, real and personal, heretofore vested in the president and trustees of the town of Morrison, for the use of the inhabitants of said town, or belonging to said town in any manner, shall be and the same is hereby declared to be vested in the corporation hereby created.

Acting mayor.

§ 22. The present board of trustees and other officers of the town of Morrison now in office shall respectively continue in the same; the present president of the board of trustees shall be the "acting mayor," until superseded in conformity to the provisions thereof, but shall be governed by this act, which shall take effect from and after its passage.

Inhabitants to
aid in enfor-
cing laws.

§ 23. The mayor of said city is hereby empowered to call on any male inhabitant over eighteen years of age to aid in enforcing the laws and ordinances, and in case of riot to call out the militia or military to aid in suppressing the same, or carry into [effect] any law or ordinance; and any person who shall not obey such a call shall forfeit to said city a fine not exceeding ten dollars.

§ 24. This act is hereby declared to be a public act, and may be read in evidence in all cases of law and equity in the state, without proof. Evidence of act of incorporation.

§ 25. *Provided*, that this act shall not take effect nor be in force until after the same shall have been adopted by a majority of the legal voters of the said town of Morrison at the next general election held therein. Proviso.

APPROVED February 27, 1867.

AN ACT to amend the charter of the city of Joliet.

In force March 1, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one of chapter one of the charter of the city of Joliet, be so amended that the boundaries of said city, shall be described as follows, to-wit: That all of sections nine, ten, fifteen and sixteen, in township thirty-five north, range ten, east of the third principal meridian, except that part of section fifteen (15) lying south and east of the center of Hickory creek, and that part of said sections ten and fifteen (10 and 15) lying east of the center of Spring creek, and also excepting the east half of the east half of section ten (10) the boundary shall also include the south half of the south half of section four (4), township thirty-five north, range ten east of the third principal meridian. Section 1, chapter 1, amended. Boundaries.

§ 2. *First*.—That article second of section one, of chapter five, be so amended as to read as follows, to-wit; to annually levy and collect a school tax, not exceeding ten mills on the dollar, on all real and personal estate, to meet the expenses of purchasing grounds for school houses, and for building and repairing school houses, and supporting and maintaining schools.

Second.—That article third of section one, of said chapter, be so amended as to levy and collect a tax not exceeding three mills on the dollar, per annum, on real and personal estate, to meet the interest accruing on the bonded debt of the city. Article 3, section 1 amended. Taxes.

§ 3. And that article third, of section two of said chapter, be so amended, as to require (and it is hereby made the duty) of every male resident of the city, over the age of twenty-one years, and under the age of sixty years, to labor not more than three days in each year, the time to be fixed by common council, upon the streets and alleys, but every person may, at his option, pay at the rate of one dollar per day for every day so fixed by the council, he shall be so bound to labor: *Provided*, the same shall be paid on or before the first day of the three days, upon which he may Article 3, section 2, amended.

be notified to labor by the person authorized to collect the same; in default of payment, as aforesaid, the sum of two dollars per day may be collected, and no off-set shall be allowed in any suit brought to recover the same. Street taxes shall be expended in the several wards, where the person paying the same, respectively reside.

Section 2 of act approved Feb. 16, 1865, amended.

§ 4. That section two, of a certain act, for the amendment of the charter of the city of Joliet, approved February 16, 1865, be so amended as to read as follows: The provisions of said charter, for the election of police magistrate, are hereby repealed, and the offices thereby created are hereby abolished. At the charter election of said city, for the year 1866, and every fourth year thereafter, there shall be one police magistrate elected for said city, who shall hold his office for the term of four years from the date of his election.

The election of police magistrate.

Jurisdiction of.

§ 5. The police magistrate shall have jurisdiction in all cases to the amount of five hundred dollars, under the ordinances of the city of Joliet.

Constables duties and powers

§ 6. There shall be elected at each annual election, one police constable in each school district of said city, who shall have the same power as town constable, and who shall be police officers in said city, and perform such duties as the council may prescribe, and the council may abolish the office of street commissioner or may provide for the appointment or election of one or more street commissioners, and that so much of section three, of chapter second, as requires the election of one police constable in each ward, is hereby repealed, and no person elected a town constable shall perform any police duties in said city, unless appointed a police officer by the common council or mayor.

Office of street commissioner abolished.

Part of section 3, chapter 2, repealed.

Chapter 7 amended.

§ 8. That chapter seven shall be amended so as to read as follows, viz;

§ 1. The common council shall have power from time to time.

Streets to be graded and paved, etc.

First.—To cause any street, alley or highway, to be graded, leveled, paved, macadamized or planked, and to keep the same in repair.

Second.—To cause cross and sidewalks, main drains, sewers and private drains, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Public grounds.

Third.—To grade, improve, fence, protect, and ornament any public square or ground, now or hereafter to be laid out.

Sidewalks, etc.

§ 2. Whenever any sidewalk in said city, shall need repairs and notice can not be served upon the owner of the real estate opposite the same, or in case of such service, the owner shall neglect to make such repairs, within three days from the service of such notice, the mayor or common council may cause the same to be repaired by the street commissioner or other person, who shall keep an accurate account

of the expense of making such repairs and shall file the same with the city clerk, who shall charge the same to the lot or parcels of real estate opposite such walk, and add the amount of such expenses to the annual taxes to be collected from said lot.

§ 3. If any person shall receive any injury or damage by reason of the insufficiency of any sidewalk, the owner of the land fronting on said walk, shall be liable for such damage, but no action shall be maintained against said city, unless in case of gross negligence on the part of the city authorities, nor then only, for the actual damage sustained.

§ 4. All owners or occupants, in front, or upon whose premises the common council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalks or private drains, at their own cost or charges, in the manner and within the time prescribed by ordinance or otherwise, and if not done in the manner and within the time prescribed, the council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expense thereof by an order, to be entered in their proceedings upon such lots respectively, and collect the same by warrant and sale of the premises as in other cases. A suit may also be maintained against the owners or occupants of such premises, for recovery of such expenses, as for money paid and laid out to his use at his request.

Repairs of private property.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the common council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the foregoing section; such expenses shall be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use; in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, when known, or any person whose duty it may be to remove or abate the same; and in case of levying assessments for sidewalks by commissioners, no commissioner shall receive pay for more than one day's services.

Expenses for the removal of any nuisances.

§ 10. That that part of the northeast quarter of section twenty-one, township thirty-five north, range ten east, etc., which lies east of the Chicago and St. Louis railroad, be, and the same is added to, and made a part of school district No. two (2), in the city of Joliet, in Will county.

Additions to the city.

§ 11. All acts and parts of acts coming in conflict with the provisions of this act, are hereby repealed. This act shall take effect and be in force from and after its passage.

APPROVED March 1, 1867.

In force March
1, 1867.

AN ACT to amend the charter of the city of Amboy.

Liquor license.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the charter of the city of Amboy is hereby so amended, that hereafter the city council of said city shall not grant a license to any person or persons, to sell beer, ale, porter or cider, or any spirituous, vinous, fermented or mixed liquors within the corporate limits of said city, in less quantities than one gallon, except to druggists, who shall be allowed to sell for medicinal or mechanical purposes only, unless a majority of the votes cast at any annual municipal election, shall be for license, then, and in that case the city council may grant licenses for one year after such election.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 1, 1867.

In force March
1, 1867.

AN ACT to define the limits of the city of Peoria and to amend the charter of the same.

Limits defined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that district of country included in the south half of section three, the south half of the north half of section three, the south half of section four, the south half of the north half of section four, the south-east quarter of section five, the south half of the southwest quarter of section five, section eight, fractional section nine, fractional section ten, fractional section sixteen, fractional section seventeen, in township eight north of the base line of range eight east of the fourth principal meridian, and to the middle of so much of the Illinois river and lake Peoria as lie in front of said district, is hereby declared to be within the corporate limits of the city of Peoria.

Wards.

§ 2. The above described district of country embraced within the corporate limits of the city of Peoria, shall be divided into six Wards, which shall be bounded and numbered as follows :

First.

The boundaries of the first ward shall commence at the center of Illinois river, opposite the foot of Hudson or Bridge street, running to said street, along said street to Franklin street; along Franklin street to First street; along First street to Stenbenville street; along Stenbenville street to the plank road; along the plank road to Jefferson street; along Jefferson street to Pecan street; along the line of

Pecan street to the center of the Illinois river ; up the center of the Illinois river to the place of beginning, and all of the territory embraced within said limits, shall be known as the "First Ward."

The boundaries of the second ward shall commence at Second.
the center of the Illinois river opposite the foot of Main street, running to Main street ; along Main street to Perry street ; along Perry street to Franklin street ; along Franklin street to Sixth street ; along Sixth street to Spencer street ; along Spencer street to Seventh avenue ; along Seventh avenue to Steubenville street ; along Steubenville street to First street ; along First street to Franklin street ; along Franklin street to Hudson or Bridge street ; along Bridge street to the center of Illinois river ; up the Illinois river to the place of beginning, and all the territory embraced within said limits shall be known as the "Second Ward."

The boundaries of the third ward shall commence at the Third.
intersection of Main and Adams streets ; along North Adams street to the city limits ; along city limits to a point on a line with Hale street ; along said line to Hale street ; along Hale street to Knoxville road, down the Knoxville road to Main street ; along Main street to the point of beginning, and all the territory embraced within said limits shall be known as the "Third Ward."

The boundaries of the fourth ward shall commence at the Fourth.
intersection of Main and Adams streets ; along North Adams street to the city limits ; along the city limits to the center of Illinois river ; along the center of Illinois river to a point opposite the foot of Main street, thence to Main street ; along Main street to the point of beginning, and all the territory embraced within said limits shall be known as the "Fourth Ward."

The boundaries of the fifth ward shall commence at the Fifth.
intersection of Main and Perry streets ; along Main street to the Knoxville road ; along Knoxville road to Hale street ; along Hale street, and on direct line with Hale street, to the city limits ; along the city limits to a point due north from Steubenville street, thence south to Seventh avenue ; along Seventh avenue to Spencer street ; along Spencer street to Sixth street ; along sixth street to Franklin street ; along Franklin street to Perry street ; along Perry street to place of beginning, and all the territory embraced within said limits shall be known as the "Fifth Ward."

The boundaries of the sixth ward shall commence at the Sixth.
center of Illinois river, opposite the foot of Pecan street, running thence to Pecan street ; along Pecan street to Jefferson street ; along Jefferson street to the plank road ; along the plank road to Steubenville street ; along Steubenville street, and north to the city limits, following the city limits to its southern boundary ; along the southern bound-

ary of the city to the center of the Illinois river; along the center of the Illinois river, to the place of beginning, and all the territory embraced within said limits shall be known as the "Sixth Ward."

Additional powers of council.

§ 3. The city council, in addition to its present powers, shall have power to direct the location and management of, and regulate and license breweries, tanneries and packing houses, and direct the location, management and construction of, and regulate, license, restrain, abate and prohibit within the city and to the distance of five miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or any unwholesome business may be carried on.

Fiscal year.

§ 4. The fiscal year of the city of Peoria shall expire with the thirty-first day of December, annually, and it shall be the duty of the city clerk to cause to be printed and distributed, in pamphlet form, a full and detailed statement of the receipts and expenditures of said city within two months thereafter; and any failure so to do shall subject said clerk to a fine of five hundred dollars, to be recovered in any action of debt, brought in the name of the "People of the state of Illinois," which fine, when collected, shall be paid into the treasury of the city.

Financial statements.

Term of office.

§ 5. No officer shall be appointed by any city council to serve for a longer term than beyond the term of said council, or until the successor of such officer shall be appointed and qualified, and all contracts made for the term of one year shall commence and expire with the life of the city council making them.

Change of wards.

§ 6. The city council shall have power to erect additional wards or change the boundaries of the present wards; but no change shall be made within three years from the passage of this act, nor oftener than once in every three years thereafter, nor at any time within three months preceding any city election.

Publication of act.

§ 7. The city council of Peoria shall cause this act to be published in the daily newspaper published in the city of Peoria having the largest circulation, and all proceedings of the city council, ordinances, advertisements and delinquent tax lists shall be published in such daily newspaper having the largest circulation: *Provided*, that no greater price is charged by such paper than is charged to its regular advertising customers. The fact of the circulation of the competing daily newspapers shall be determined annually by a board consisting of one person appointed by the publishers of each of the competing papers and one other person appointed by the persons selected by the publishers of the competing papers, and the decision of said board shall be binding on the city council.

Proviso.

§ 8. This act shall be in force from and after its passage, and all acts and parts of acts coming within the provisions of this act, or contrary to, or inconsistent with its provisions, are hereby repealed. Conflicting acts repealed.

APPROVED March 1, 1867.

AN ACT to repeal an act entitled "An act to amend the charter of the city of Alton." In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to amend the charter of the city of Alton," approved February 16, 1865, in relation to markets, be and the same is hereby repealed. Act approved February 16, 1865, repealed.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the city of Carrollton.

In force when adopted by the legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of Greene, and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic, under the name and style of "The City of Carrollton," and by that name shall have power to sue and be sued; complain and defend in any court; make and use a common seal, and alter it at pleasure; and take and hold, purchase, lease and convey such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of said city. Boundaries.

§ 2. The corporate limits and jurisdiction of said city of Carrollton shall embrace and include within the same all of that territory bounded as follows, to-wit: Commencing at the northwest corner of the southwest quarter of section numbered fifteen (15), in township numbered ten, north of range twelve, west of the third principal meridian; thence running east two (2) miles to the northeast corner of the southeast quarter of section fourteen (14), in same township and range; thence south along the section line two miles, to the southeast corner of the northeast quarter of section twenty-six (26), in same township and range; Limits and jurisdiction.

thence west two miles, to the southwest corner of the northwest quarter of section twenty-seven (27); thence north two miles, to the place of beginning.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Municipal gov-
ernment.

§ 3. The municipal government of the city shall consist of a common council, composed of the mayor and four aldermen. The other officers of the corporation shall be as follows: A clerk, a treasurer, a constable, a street inspector, a weigher and measurer, an attorney, a police magistrate, a board of assessors, a collector, and as many policemen, keepers and assistants of workhouses, and such other officers and agents as may be provided for by this act, or the common council may from time to time direct.

Election of offi-
cers.

§ 4. On the first Tuesday after the first Monday in the month of May, A. D. 1867, and on the first Tuesday after the first Monday in the month of May in each year thereafter, an election shall be held in said city for one mayor and four aldermen, who shall hold their offices for one year and until their successors are elected and qualified; which first election shall commence at ten o'clock in the forenoon and close at five o'clock in the afternoon of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, and lay the poll books of such election before the common council at its first meeting. At all subsequent elections, any two members of the common council shall be judges of the same, and said elections shall be held and returns made and conducted as may be prescribed by ordinance.

Manner of con-
ducting.

Qualified voters

§ 5. All free white inhabitants of said city shall be entitled to vote for city officers, who are qualified to vote for state officers, and who shall have resided in said city one month next before any such election. Every voter who shall be required by any person qualified to vote at any such election, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution,) and have been a resident of this state for one year, and a resident of this city for one month immediately preceding this election; and have not voted at this election." All persons illegally voting at any election under this act shall be punishable according to the laws of this state.

Oath of.

Illegal voters.

Police magis-
trate.

§ 6. At the annual election in said city on the first Tuesday after the first Monday in the month of May, A. D. 1867, and every four years thereafter, there shall be elected one police magistrate, to be elected and qualified as provided by an act entitled "An act for the better government of

towns and cities, and to amend the charters thereof," approved February 27, 1854, and all the provisions of said act are hereby declared applicable to said police magistrate. All other officers of said city shall be appointed annually by the common council, and may be removed at the pleasure of the common council, who shall fill all vacancies.

Appointment of
officers.

POWERS AND DUTIES OF OFFICERS.

§ 7. Every person chosen or appointed to an executive, judicial or administrative office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Oath of office.

§ 8. The mayor shall preside over the meetings of the common council, preserve order, and direct the course of business before the council, and in case of a tie in any vote thereof, shall give the casting vote.

Mayor.

§ 9. No person shall be eligible to the office of mayor who is not a citizen of the United States, and who shall not have been a resident of the city for two years next preceding his election, or who shall be under twenty-one years of age. If the mayor removes from the city his office shall be vacated.

Eligibility.

§ 10. The mayor is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or ordinances of the city; and in case of riot to call out the militia to assist in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call, shall forfeit and pay to said city a fine of five dollars. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all their official books and papers, and shall have power to execute all duties that may be required of him by this act, or any ordinance made in pursuance thereof. He shall have a salary of two hundred dollars per annum in full compensation of all official services devolved upon him by this or any subsequent act. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of absence or sickness, the common council shall appoint one of their number to preside over their meetings, whose official designation shall be "Acting Mayor." And the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall resume his office or the vacancy be filled by a new election.

Inhabitants to
aid in enforcing
laws.

Exhibit of the
books, papers.

Salary of mayor

Vacancy.

Acting mayor.

Council.

§ 11. The members of the common council shall be conservators of the peace, and shall be exempt from jury duty and road and street duty during their term of office.

Duties of clerk. § 12. The clerk shall keep the corporate seal, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him, under the corporate seal, shall be evidence in all courts and other places, in like manner as if the originals were produced. He shall also have power to administer any oath authorized to be administered by the laws of this state or the ordinances of said city.

Duties of attorney. § 13. The city attorney shall, subject to the directions of the common council, conduct all the law business of the corporation. He shall hold his office in such place as the city may provide, and when required shall furnish written opinions upon subjects submitted to him by the mayor or common council. He shall also draft all ordinances, bonds, contracts, leases, conveyances and such other instruments of writing, as may be required by the business of the city; and to perform such other duties as may be prescribed by the charter and ordinances of the city.

Duties of constable. § 14. Every person appointed or elected to the office of constable shall, before he enters upon the duties of his office, with two or more sureties, to be approved by the common council, execute in the presence of the clerk of the city, a bond, by which such constable and sureties shall jointly and severally agree to pay to the city of Carrollton, for the use of any person who may be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution, distress warrant, or other process which shall be delivered to him for collection. The clerk shall certify the approval of the common council on such instrument and file the same, and a copy, certified by the clerk under the corporate seal, shall be presumptive evidence in all courts, of the execution thereof by such constable and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which the constable therein named was appointed or elected, and may be brought in the name of said city, for the use of the person or persons entitled to the money collected by virtue of such instruments.

Jurisdiction of. § 15. The city constable shall have power and authority to execute all process issued for the breach of any ordinance of said city; and for that purpose his power and authority shall extend over the county of Greene, and shall have the same power, jurisdiction and authority within the limits of said city as other constables under the laws of this state.

Duties and powers of officers. § 16. The common council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the duties and powers of all officers elected or appointed to any office under

this act, whose duties are not herein specifically mentioned ; and to fix the fees and compensation of all officers, jurors, witnesses and others, for services rendered under this act or any ordinance. They may require bonds to be given by all officers to the city of Carrollton, for the faithful performance of their duties, and with such other conditions as the common council may prescribe. Suits may be brought on any such bond, or any other bonds given to said city, for the breach of the conditions thereof before the police magistrate, or other justice of the peace of Greene county, where the amount of damages in controversy does not exceed one hundred dollars.

Fees and compensation.

Suits at law.

§ 17. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession belonging to said city or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars besides all damages caused by his neglect or refusal so to deliver ; and his successor shall and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of this state.

Penalties for the non-surrender of office property, etc.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

§ 18. The common council shall determine the qualifications of its own members, and all cases of the returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance ; shall have power to determine the rules of its own proceedings ; punish a member for disorderly conduct, and with the concurrence of two-thirds, expel a member.

Returns.

Quorum.

Absent members.

There shall be at least one stated meeting of the common council in each month, at such time and place as the common council may prescribe, and the mayor or any two aldermen may call special meetings by notice to each member of said council, if practicable. If the mayor or any alderman shall remove from said city his office shall become vacant.

Meetings.

Special meetings.

§ 19. The common council shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said city, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same, by any ordinances not repugnant to the constitution of this state or of the United States ; or the said council may, if they think proper so to do, by order, resolution or ordinance, adopt the annual assessment made of the property in said city by the county assessor and cause the same to be collected by the county collector.

Taxes.

- Extension and collection.** § 20. If said council shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is by law to extend the tax by existing laws, notice of their determination so to do, which notice shall be a copy of their records, and also the rate of taxation, and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue.
- Compensation of clerk and collector.** The clerk and collector shall be allowed the same compensation for services under this act as are allowed to them for similar services under the revenue laws of this state :
- Proviso.** *Provided*, that nothing contained in this act shall be so construed as to prevent said corporation from providing for the assessment and collection of such taxes by ordinance.
- Fraudulent devices.** § 21. The common council shall have power and authority to prevent and restrain every kind of fraudulent device and practice.
- Games and gaming.** To prohibit and restrain all descriptions of gaming and fraudulent devices, and all playing with dice, cards or other games of chance, with or without betting.
- Liquor traffic.** To prohibit and forbid, or to license and regulate the selling or giving away of any ardent spirits and intoxicating drinks by any shopkeeper, trader, grocer or other person.
- To forbid the selling or giving away of ardent spirits or other intoxicating drinks, to any minor, apprentice or servant, without the consent of his or her parent, guardian, master or mistress.
- Merchants and auctioneers.** To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers, money changers and hawkers.
- Exhibitions.** To license, tax, regulate, restrain and prohibit theatrical and other exhibitions, shows and amusements.
- Disorderly houses.** To restrain, prohibit and suppress gaming houses, bawdy houses and other disorderly houses, and to authorize the destruction and demolition of all devices and instruments used for the purposes of gaming.
- Disturbances.** To prevent any riot or noise, disturbance or disorderly assemblage.
- Offensive establishments.** To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, barn, stable, privy, sewer or other unwholesome, nauseous house or place ; to cleanse, remove or abate the same, from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.
- Distilleries, taneries, etc.** To direct the location, management and construction of, and regulate, license, restrain, abate and prohibit, within the city and the distance of one mile therefrom, distilleries, breweries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establish-

ments or places where any nauseous, offensive or unwholesome business may be carried on.

To establish and regulate markets and all other public buildings, and provide for their erection and determine their location. Markets.

To regulate, prohibit and license butchers and to revoke their licenses for misconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city. Butchers.
Meats and vegetables.

To regulate the keeping and conveying of gun powder and other combustible and dangerous materials, and the use of candles and lights, in barns, stables and outhouses. Combustibles.

To prevent horse racing, immoderate riding or driving in the streets or squares, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person, and to punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street, lane or square. Racing, riding and driving.
Abuse of animals.

To prevent the encumbering of the streets, sidewalks, lanes, alleys, squares and public grounds, and to restrain and prohibit persons from riding or driving, leading or standing of any animal on the sidewalks, and to prevent any crossing from being encumbered with horses, vehicles or anything else. Encumbrances.

To prevent any obscene or indecent exposure, exhibition or conduct. Obscenities.

To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to punish any person for being drunk in any public place in said city. Vagrants.
Drunkards.

To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, geese, chickens, turkeys and pigeons, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto. Animals at large

To prevent and regulate the running at large of dogs; to tax, and to authorize the destruction of the same when at large contrary to ordinance. Dogs.

To prevent and regulate the playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Ball and kite playing.

To make regulations to prevent the introduction or spread of contagious and infectious diseases into the city and within two miles of the same. Diseases.

To control, regulate, repair, amend and clean the lanes, alleys, squares, bridges, side and crosswalks, and establish, open, widen, straighten and vacate, streets, lanes and alleys and to establish and alter the grade thereof, and prevent Street improvements.

the encumbrance of the streets in any manner, and protect the same and the bridges from any encroachment or injury, and to compel all persons to keep the snow, ice, dirt and other obstructions from the sidewalks in front of the premises owned or occupied by them.

Nuisances. To abate and remove nuisances, and to punish the authors thereof, and to define and declare what shall be a nuisance, and authorize the summary abatement thereof.

Interments. To regulate the burial of the dead.

To regulate and prohibit the keeping of any lumber, or the placing, piling or selling lumber, timber, wood or other combustible material within the fire limits of said city.

Walls and fences. To regulate partition fences, and provide for the inspection and weighing of hay and stone coal, and for the measurement of wood and fuel to be used in said city.

Census. To provide for taking the enumeration of the inhabitants of said city.

Appointments. To regulate the appointment of city officers, define their duties and provide for the removal of any person holding office under the ordinances.

To fix the fees and compensation of all city officers, jurors, witnesses and others, for services rendered under this act or any ordinance.

Breaches of ordinances. To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Fines, etc. To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Firing of squibs and rockets. To prevent the firing of squibs, rockets, guns or other combustibles or fire arms within said city.

Street labor. To compel every male inhabitant of said city above the age of twenty-one years, to perform three days labor on the streets, lanes, alleys and squares, every year.

Sale of provisions. To regulate the place and manner of selling fish, and to prevent the sale of unwholesome provisions.

To restrain and prohibit the sale of drugged and mixed and impure liquors, and to prohibit and restrain groceries and other places of business from keeping open upon the Sabbath day or night time.

Pumps and cisterns. To regulate public pumps, wells and cisterns and reservoirs, and to prevent the unnecessary waste of water.

To establish and regulate public pounds.

Lights and lamps. To erect lamps and direct the lighting thereof.

Trees and shrubbery. To direct and regulate the planting and preserving of ornamental and shade trees in the streets, cemeteries and public grounds.

Sinks and privies. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, stables, cellars, private sinks and privies, direct and regulate their construction, and cause the expenses to be collected in the manner hereinafter provided.

To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to erect or lease one or more pest houses within or without the limits of said city, and to remove all persons afflicted with any contagious or infectious disease to said pest houses or hospitals, and to make rules and regulations for the same.

Sanitary measures.

To prevent any person from bringing, depositing or having within the limits of said city any unsound carcass or other unwholesome substance, and to compel any such person, and the owner of any animal which shall die in said city, to remove and bury the same beyond the limits of said city.

To declare what shall be malicious mischief, and to punish any person who shall be guilty thereof.

To provide for the punishment of offenders against any ordinance [by imprisonment] in the county jail or by compelling them to labor in the workhouse in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of offenders.

To appoint a sufficient police force, to make rules and regulations for the government of the same.

To suppress all riots, affrays, assaults and batteries, drunkenness, quarreling, open and notorious lewdness, or other public indecency; and no prosecution or conviction for any offence, under the laws of this state, shall be a bar to prosecutions for fines, penalties or forfeitures for the breach of any ordinance of said city.

To have charge of and superintendence of the sewers and drains of said city, and of all works pertaining thereto, and for that purpose they shall have jurisdiction and authority for one mile beyond the limits of said city.

Drains and sewers.

To provide for the construction, repair and regulation of privies and the manner of cleaning the same, and to declare when the same shall be a nuisance, and prevent and remove the same.

Nuisances.

To construct and regulate the construction of cess pools and provide for the drainage of cess pools and privies, under such rules, regulations and notices as they may deem proper and right.

Cesspools.

To provide for the protection of school houses, churches and other property in said city, and to prevent persons, under penalties, from injuring any public or private property in said city.

School houses and churches.

To establish, alter or enlarge the boundaries of said city, and to divide the same into wards.

Boundaries and wards.

To establish and construct side and cross walks, and to fix the grade thereof.

§ 22. The common council shall have power to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in this act, so that such or-

Necessary ordinances

ordinances shall not be repugnant to the constitution of this state and of the United States.

Style of ordinances. The style of the ordinances of said city shall be, "Be it ordained by the common council of the city of Carrollton."

Publication of ordinances. And all ordinances shall, within one month after they are passed, be published in a newspaper printed in said city, or by posting copies of the same in four public places in said city; and the certificate of said publisher of such newspaper, or of the clerk of the common council, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid. All ordinances may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in all courts and places without further proof.

Writs. § 23. All writs for the recovery of penalties for the breach of any ordinance of said city shall be in the form of an action of debt, before the police magistrate, or in case of his absence or inability to act, before any other justice of the peace of said city, and changes of venue and appeals shall be allowed as in other cases before other justices of the peace.

Change of venue and appeals.

Power and duties of constable. § 24. The constable and policemen elected or appointed under the provisions of this act shall have power and authority to execute all processes issued for the breach of any ordinance of said city; and in any suit commenced before the police magistrate or other justice of the peace, in which the city is or may be a party, and for that purpose their power and authority shall extend over the county of Greene, and they shall have the same power and authority within said city as other constables have under the laws of this state, and shall give bonds and qualify as said common council may by ordinance prescribe.

Suits at law. § 25. All suits for fines, penalties and forfeitures in and for the violation of any ordinance of said city shall be in the name of the "City of Carrollton," and said corporation shall have power and authority, by ordinance, to regulate and prescribe the form and nature of the first and of any subsequent process, and the mode of executing the same.

Fires and fire department. § 26. The common council, for the purpose of providing against calamities by fire, shall have power to prescribe the limits within which wooden buildings and structures shall not be erected, placed or repaired without permission, and to direct that all and any buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the repairing of any wooden or any other building or structure not fire proof within the fire limits when the same shall have been damaged or depreciated in value to the extent of fifty per cent. of the original value thereof, and to prescribe the manner of ascertaining such

damages and depreciation, and to prescribe the notice thereof to the owner or occupant of the premises. The said common council shall have full power to organize fire, hose, hook and ladder and ax companies, and to make rules and regulations for the same, and to do all acts not inconsistent with the constitution of this state and of the United States; to prevent and extinguish fires, and impose such penalties for a violation of any ordinance in relation thereto as they may deem just and fit.

§ 27. All ordinances, rules and regulations now in force in the town of Carrollton, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council of the city of Carrollton, after this act shall take effect. Remain in force

§ 28. All actions, fines, rights, penalties and forfeitures, in suit or otherwise, which have accrued to the town of Carrollton, shall be prosecuted in the name of the "president and trustees of the town of Carrollton," and the rights, debts and liabilities, both in law and equity, arising from such liabilities to the town of Carrollton, shall vest in and belong to the city of Carrollton. Penalties and forfeitures.

§ 29. All property, real, personal and mixed, belonging to the town of Carrollton, is hereby vested in the city of Carrollton, created by this act; and the officers of the town of Carrollton shall respectively continue in the same until superseded in conformity to the provisions hereof, and said officers shall be governed by this act. Vested property

§ 30. This act shall not invalidate any legal act done by the president and trustees of the town of Carrollton, or by its officers, nor divest their successors, under this act, of any liabilities which they may have incurred by reason of any act incorporating the town of Carrollton. Invalidation of acts.

§ 31. All constables, policemen and police magistrates in said city are hereby declared to be conservators of the peace, and they shall have power and authority to arrest, or cause to be arrested, all persons who shall break any ordinance of said city, and if necessary detain such persons in custody over night or during the Sabbath day, or while any such person may be intoxicated, in the county jail or other safe place, to be selected by such peace officers, and shall have and exercise such other powers as the common council may prescribe. Powers and duties of magistrates and constables.

§ 32. This act shall apply as well to railroad companies and other corporations in said city as to natural persons, and it is hereby declared to be a public act, and shall be in force from and after its adoption by a majority of the legal voters voting at a special election in the town of Carrollton on the second Monday in April, A. D. 1867, ten days' notice of which election, and the time and place of holding the same, to be given by the president and trustees of said town, Application of act.

two of whom shall act as judges and one of whom shall act as clerk of said special election.

APPROVED February 28, 1867.

In force Feb.
28, 1867.

AN ACT to amend the charter of the city of Canton.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Canton, in Fulton county, shall be bounded as follows, to-wit: Commencing at the center of the northwest quarter of section numbered twenty-six (26), in township seven north, of range four east of the fourth principal meridian, in said county, running thence west to the center of the northwest quarter of section number twenty-seven (27), thence south to the north line of Trench's addition to Canton; thence west along said north line of said addition to the northeast corner of lot number five (5), in Hipple's subdivision of lots four, seven, eight and fifteen of said Trench's addition; thence in a southwesterly direction to the northwest corner of lot number six (6), in Thorp's subdivision of the north half of lot number twenty-seven (27), in Trench's addition; thence south to the south side of the north half of said lot twenty-seven (27); thence east to the center of West Third street; thence along center of said street and continuous road, to a point due west of the center of the northwest quarter of section number thirty-four (34); thence east along the north line of the south half of said northwest quarter of section number thirty-four (34) to a point sixty rods west of the east side of said northwest quarter of section thirty-four (34); thence south to south line of said northwest quarter of section thirty-four (34); thence east along the south line of the northwest and northeast quarters of said section thirty-four (34), to the northwest quarter of section number thirty-five (35); thence north to the northwest corner of the southwest quarter of the northwest quarter of said section number thirty-five (35); thence east to the centre of the northwest quarter of section number thirty-five (35); thence north to the centre of Walnut street, on section line between sections twenty-six (26) and thirty-five (35); thence east on said line to the southeast corner of Hipple's addition; thence north to the northeast corner of said Hipple's addition; thence west to the center of the southwest quarter of section number twenty-six (26); thence north to place of beginning.

Taxes.

§ 2. The city council may levy and assess a tax on the real and personal property assessed, for revenue purposes, at a rate not to exceed one per cent.

§ 3. The city council shall have power to prohibit, suppress, license, regulate or tax saloons, tippling houses, dram shops, joint stock drinking companies, associations, or any other house or place where intoxicating, spirituous, vinous, mixed, fermented or malt liquors shall be sold, given away or otherwise disposed of, and to provide for the punishment of the offenders by fine or imprisonment, or both. Liquor traffic.

§ 4. In case the office of police magistrate shall become vacant, or the police magistrate shall refuse to act, or be absent from the city, or be charged with the violation of any ordinance of the city, proceedings may be commenced and prosecuted before any justice of the peace in said city in the same manner as before a police magistrate. Vacancy in office of police magistrate.

§ 5. This act is declared to be a public act and shall take effect from and after its passage.

APPROVED February 28, 1867.

AN ACT to extend the corporate limits of the city of Quincy.

In force Feb. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following bounded parcel of land situated in the county of Adams, and state of Illinois, be and the same is hereby attached to and made a part of the corporate limits of the city of Quincy, in said county, as fully and completely as any other parcel or parcels of land now within the corporate limits of said city, to-wit: Beginning at the intersection of the north line of Broadway and the east line of Twenty-fourth street, in said city, and running thence due east to the northwest corner of the northeast quarter of section six, in township two south of the base line, range eight west of the fourth principal meridian, in said Adams county; thence due south to a point due east of the southwest corner of the "Quincy cemetery;" thence due west to the east line of said Twenty-fourth street, and thence due north along the said east line of said Twenty-fourth street to the place of beginning. Additions.

Boundaries.

§ 2. This act to take effect from its passage.

APPROVED February 28, 1867.

In force March
5, 1867.

AN ACT to amend the charter of the city of Monmouth.

Taxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers already vested in the city council of said city of Monmouth, by virtue of an act entitled "An act to incorporate the city of Monmouth," approved June 21, 1852, and all acts amendatory thereof, the said city council shall have the power to levy a tax annually not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in said city, for the purpose of organizing and maintaining a fire department in said city.

Purposes of.

§ 2. *Be it further enacted,* that the money arising from the taxes assessed under this act shall not be used for any other purpose than that specified herein.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March
5, 1867.

AN ACT to extend the corporate limits of the city of Litchfield, and for other purposes.

Limits defined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the city of Litchfield are hereby extended so as to include the east half of section thirty-two (32), all of section thirty-three (33), and the west half of section thirty-four (34), in township number nine (9) north, range five (5) west of the third principal meridian; also the west half of section three (3), all of section four (4), and the east half of section five (5), in township number eight (8), range five (5) west of the third principal meridian.

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§ 2. That section twenty, of article thirteenth, of an act entitled "An act to incorporate the city of Litchfield, in Montgomery county," approved February 16, 1859, be so amended as that the mayor and each member of the city council shall receive such compensation for their services as mayor and councilmen as they may from time to time provide for, by resolution or ordinance, to be paid from the city treasury of.

This act to take effect and be in force from and passage.

APPROVED March 5, 1867.

AN ACT to amend an act entitled "An act to grant and establish a city In force March
charter for the city of Bloomington." 7, 1867.

CHAPTER I.

BOUNDARIES AND WARDS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of McLean, and state of Illinois, contained within the limits and boundaries as hereinafter prescribed, be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Bloomington;" and by that name shall have perpetual succession, and may have or not have a common seal, which they may change, alter or abolish at pleasure. Name and style.

§ 2. The corporate limits of the city of Bloomington, shall embrace and include within the same all of section four (4), the west half of section three, (3,) the east half of section five, (5,) the northeast quarter of section eight, (8,) the north half of section nine, (9,) and the northwest quarter of section ten, (10,) all being in township twenty-three, (23) north of range two, (2) east of the third principal meridian; the southeast quarter of section thirty-two, (32,) the south half of section thirty-three, (33,) and the southwest quarter of section thirty-four, (34,) all being in township twenty-four (24,) north of range two (2), east of the third principal meridian; and shall, also, include all town plats and additions adjoining the above prescribed limits; and whenever any tract of land adjoining the said limits or any addition to said city, shall be laid off into town lots, and the plat thereof recorded, the same shall be, and form a part of the city of Bloomington, as fully as if within the original corporate limits. Corporatelimits.

§ 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, hold, lease, sell, convey and dispose of property, real and personal, within and beyond the corporate limits, for public purposes, for the use of the inhabitants of the city and to improve and protect such property, and to do all other things in relation thereto, as natural persons. Powers.

§ 4. The city of Bloomington shall be divided into five wards as follows, viz:

First Ward.—All that part of the city which lies north of the center of Front street and east of the center of Main street, shall be denominated the First Ward. First ward.

Second Ward.—All that part of the city which lies north of the center of Front street, and south of the center of Second ward.

Chestnut street and west of the center of Main street, shall be denominated the Second Ward.

Third ward. *Third Ward.*—All that part of the city which lies south of the center of Front street and west of the center of Main street, shall be denominated the Third Ward.

Fourth ward. *Fourth Ward.*—All that part of the city which lies south of the center of Front street and east of the center of Main street, shall be denominated the Fourth Ward.

Fifth ward. *Fifth Ward.*—All that part of the city which lies north of the center of Chestnut street and west of the center of Main street, shall be denominated the Fifth Ward.

CHAPTER II.

OFFICERS AND THEIR ELECTION.

City govern- § 1. The municipal government of the city shall consist ment. of a mayor and a city council, composed of two aldermen from each ward.

Mayor. § 2. The mayor shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor is elected and qualified.

Aldermen. § 3. The aldermen shall be elected by the qualified voters of the city, and shall hold their respective offices for two years, and until their successors are elected and qualified, except as herein otherwise provided.

Tie—how deci- § 4. Whenever their shall fail to be an election of any ded. officer voted for by the voters of said city, in consequence of two or more candidates receiving an equal number of votes for the same office, the judges of election shall certify the same to the mayor, who shall determine the same by the casting of lots, in such manner as the council may direct.

Who shall not be mayor. § 5. No person shall be eligible to the office of mayor, who is not a citizen of the United States, and who shall not have been a resident of the city for at least two years next preceding his election, or who shall be under twenty-one years of age. If the mayor removes from the city his office shall be vacated.

Who shall not be aldermen. § 6. No person shall be eligible to the office of alderman, who is not a citizen of the United States, and who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby be vacated.

Election to be held. § 7. An election shall be held in said city on the third Monday in April, in each and every year, to elect a mayor and one alderman from each ward, at which election the person receiving the highest number of votes for the respective offices, shall be declared elected.

§ 8. At the election held in April, A. D. 1867, in addition to the officers above specified, an additional alderman shall be elected in wards No. one, two and five, who shall hold their respective offices for the term of one year. At said election, the person receiving the highest number of votes for alderman, in said wards, shall be declared elected for two years, and the person receiving the next highest number, shall be declared elected for one year. In case of a tie vote, the same shall be decided by the mayor, by the casting of lots, in such manner as the council may direct. The aldermen now elected from wards No. three and four shall hold their offices for the full term for which they were elected.

Additional aldermen to be elected.

§ 9. In case the people shall fail to elect any of the officers herein required to be elected, the council shall forthwith order a new election for such office; and when any vacancy shall occur, by the death, resignation, removal or otherwise, of any of the officers above named, such vacancy shall be filled by a new election, within thirty days after the vacancy occurs, unless said vacancy shall occur within three months before the regular city election, in which case the vacancy shall be filled at the next regular city election, and no special election shall be called. Officers elected to fill vacancies, shall hold their offices only during the unexpired term.

In case of failure to elect.

§ 10. The municipal officers to be chosen at the annual election shall enter upon the duties of their respective offices on the first Monday of May succeeding their election.

When officers shall enter upon duties.

§ 11. The other officers of the corporation shall be as follows, viz: City clerk, city treasurer, city attorney, city assessor, city collector, city marshal, street commissioner, and chief engineer of the fire department, and such other officers as the city council may deem necessary, from time to time, to appoint, who shall be appointed by the city council, and shall hold their respective offices during the pleasure of the council, and shall perform such duties and receive such compensation as the city council may, from time to time, by ordinance or otherwise, prescribe.

Other officers.

CHAPTER III.

ELECTIONS.

§ 1. The city council shall, previous to any election under this charter, give at least ten days' notice of such election, by publication in a newspaper published in the city, or by printed notices in each ward, or by both.

Notice of election.

§ 2. The council shall have power to regulate elections, and to appoint the judges thereof. Voting shall be by ballot, and the judges of election shall take the same oath, and have the same power and authority, and be subject to the same penalties as judges at general elections under the

Elections—how conducted.

state laws. The ballots shall be counted in the manner provided by general law; the returns shall be delivered, sealed, to the city clerk within one day after the election, and the council shall, within three days after said election, meet and canvass the votes and declare the result of the election. All persons elected or appointed to office shall qualify within twenty days thereafter, otherwise the office shall become vacant.

Who may vote. § 3. Every person entitled to vote at the general state election, who has been a resident in the city six months and an actual resident of the ward in which he proposes to vote for thirty days immediately preceding the municipal election, and who, if required by the judge or some qualified voter, shall take the following oath: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution,) and have been a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now and have been for the last thirty days past a resident of this ward, and have not voted at this election," shall be a qualified voter at all municipal elections: *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge. All persons not entitled to vote who shall vote or offer to vote at any election held under this act or the ordinance of the city in pursuance thereof, shall be punishable according to the laws of this state.

CHAPTER IV.

POWERS AND DUTIES OF OFFICERS.

Powers and duties of mayor. § 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, preserve order and direct the course of business before the council, and, in case of a tie in any vote thereof, shall give the casting vote. He shall be the head of the police and fire departments; and all marshals or deputy marshals, policemen and all officers of the fire department, shall be under his command.

Acting mayor. § 2. In case the mayor is unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the council shall appoint one of its members to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office or the vacancy be filled by a new election.

Time of meeting of council. § 3. The council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and, with the concur-

rence of two-thirds of its members elected, expel a member. A journal of the council proceedings shall be kept, and the yeas and nays, when demanded by any member present, shall be entered on the journal.

§ 4. The council shall judge of the qualification and election of its members, and shall hear and determine all contested elections under this act, and its decision shall be final. A majority of the council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Council to judge of qualifications of members.

§ 5. The mayor is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city, and, in case of riot, to call out the militia and citizens to assist in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit and pay to said city a fine of five dollars. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all their official books and papers, and shall have power to execute all duties that may be required of him by this act or any ordinance made in pursuance hereof.

Mayor may summon posse.

§ 6. The mayor shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state, to take depositions, acknowledge deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law.

Further powers of mayor.

§ 7. All ordinances, before they take effect, shall be placed in the office of the clerk, and if the mayor approve thereof he shall sign the same, and such as he may not approve he shall return to the council at the next meeting thereafter, with his objections thereto. Upon the return of any such ordinance by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of all the aldermen elected shall agree, by the ayes and nays, which shall be entered on the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object for a longer period than ten days after an ordinance shall be placed in the clerk's office, as aforesaid, the same shall go into effect.

Ordinances—how approved, etc.

§ 8. The clerk shall keep the corporate seal and all the books and papers belonging to the city. He shall attend all the meetings of the council, and keep a full record of its proceedings. Copies of all papers and ordinances filed in his office, and transcripts from the journal of the proceedings of the council, certified by him as clerk, shall be evidence in all courts and places without further proof thereof, and in like manner as if the originals were pro-

Clerk to keep seal, etc.

duced. The clerk shall draw all warrants on the treasury, as provided by ordinance, and keep an accurate account thereof in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures in such manner as the council may direct, and he shall have power to administer any oath required to be taken by this act.

Duties of treasurer.

§ 9. The treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the council may direct. All moneys shall be drawn from the city treasury in pursuance of an order of the council, by treasury warrant, signed by the clerk and mayor; and such warrant shall specify for what purpose the amount named therein is to be paid. He shall exhibit to the council, as often as required, a full and detailed account of all receipts and expenditures, the state of the treasury and the state of each special fund therein; which account shall be filed in the office of the clerk; and on retiring from office the treasurer shall deposit his account books in the office of the city clerk, where they shall be kept as public records of the city.

Duties of marshal.

§ 10. The marshal shall perform all such duties as may be provided by ordinance; and he shall possess the same powers and perform the same duties, within the limits of the city, as constables in the different counties possess, and may serve any process issuing under and by virtue of this act or the ordinances and by-laws of said city, at any place within the county of McLean.

City assessor—duties of.

§ 11. The city assessor shall perform all duties in relation to the assessing of property, for the purpose of levying taxes, imposed by the council. In the performance of his duty, he shall have the same powers as are or may be given by law to county or town assessors and be subject to the same liabilities.

City collector.

§ 12. The city collector shall collect all taxes and assessments which may be levied by the council, except special taxes and assessments, and perform such other duties as may be prescribed by ordinance. The council may appoint township assessors and collectors to assess and collect for the city.

CHAPTER V.

REVENUE.

§ 1. The city council shall have power within the city, by ordinance—

Tax for general fund.

First.—To levy and collect, annually, a tax, not exceeding five mills on the dollar on the assessed value of all real and personal estate and property in the city, made taxable by the laws of this state, to defray the contingent and other expenses of the city not herein otherwise specially provided for, which taxes shall constitute the general fund.

Second.—To levy and collect, annually, a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to defray the police expenses of the city. City taxes.

Third.—To levy and collect, annually, a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to defray the expenses of lighting the streets of the city. Tax for lighting city.

Fourth.—To levy and collect, annually, a tax, not exceeding three mills on the dollar, on all taxable real and personal property, to defray the expense of cleaning and repairing the streets and alleys in said city. Tax for cleaning streets, etc.

Fifth.—To levy and collect, annually, a tax, of sufficient amount, on all taxable real and personal estate, to pay the interest on all debts due and owing by said city, whether bonded or otherwise. Interest tax.

Sixth.—To provide, in its own manner, for the levy, assessment and collection of city taxes and assessments, and to alter and change any such provisions as it may from time to time deem proper, to prescribe the form of assessment lists, and make such regulations in relation to revising, altering or adding thereto as it may deem right and proper, and to provide that the city taxes and general and special assessments shall, by the proper officers of the county of McLean, be carried out on the books of the proper township collectors whose several townships embrace the city of Bloomington, to be by them collected in the same manner and at the same time as state and county taxes, to be paid over to such person as the council may order or provide, and that delinquent lands or lots shall be returned to the county treasurer or the officers designated by general law, who shall proceed with the collection thereof in the same manner and at the same time as he collects state and county taxes, and shall pay the same over to such person as the council may direct. All taxes and assessments, general or special, levied or assessed under this act or any ordinance in pursuance thereof, shall be a lien on all the real estate upon which the same may be imposed, levied or assessed for two years from and after the assessment thereof, and on personal property from and after the delivery of the warrant for collection. General powers in relation to taxes, etc.

Seventh.—To require all male inhabitants of said city, over twenty-one years of age and under fifty, to labor, not exceeding three days in each year, upon the streets and alleys in said city, when notified to do so by the street commissioner. But each person so required to labor on the streets and alleys may, in lieu thereof, pay the sum of one dollar per day for each day he shall be so required to labor: *Provided*, he shall pay the same on or before the first day he shall be notified to labor by the street commissioner; and in case any person shall refuse to labor, when notified as aforesaid, or to pay, in commutation thereof, the amount. Street labor tax

above specified, the same may be collected of him, by suit, in the name of the city, before any police magistrate or justice of the peace of said city. If the tax authorized by the 4th division of this section shall be levied by the council then the labor authorized by this section shall not be required to be done during the same year.

Tax upon insurance companies, etc.

§ 2. All corporations, companies or associations, not incorporated under the laws of this state, engaged in said city in effecting fire, marine or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received or have been agreed to be paid for any insurance effected or agreed to be effected in said city, by or with such corporations, companies or associations, respectively. Every person who shall act in said city as agent or otherwise for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the city treasurer a full, true and just account, verified by his oath, of all premiums which during the half year ending on every first day of July and January preceding such report, shall have been received by him or agreed to be paid for or in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire, marine and life insurance, respectively. Said agents shall also pay over to the city treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association, so in default, to transact any business of insurance in said city until the said requisitions shall have been complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and, upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum, not exceeding five hundred dollars. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of said city, as for money had and received, for its use. The amounts so received from said insurance companies or their agents shall constitute a fund which shall be used for the purpose of promoting the efficiency of and making improvements in the fire department of said city, and for carrying out such sanitary measures as may be deemed necessary for the

promotion of the public health, and for no other purpose whatever.

§ 3. The inhabitants of the city of Bloomington shall be exempt from any highway, road or bridge tax, to be used beyond the limits of said city, and from paying the tax in lieu thereof without said limits. All property subject to city taxes, whether real or personal, shall be exempt from general or special road, highway or bridge tax for the construction or repairing of roads or bridges outside of the city limits of the city of Bloomington.

Inhabitants of city exempt from road labor, etc., outside city.

CHAPTER VI.

CITY COUNCIL—GENERAL POWERS.

§ 1. The city council shall have power, by ordinance— General powers

First.—To require all officers appointed in pursuance of this charter to give bonds, with penalty and security, and take an oath for the faithful performance of the duties of their respective offices upon entering upon the discharge of the same. Office bonds.

Second.—To appropriate and provide for the payment of the debts and expenses of the city. City debts.

Third.—To make any and all regulations necessary to secure, protect, preserve and restore the general health and to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same. Sanitary regulations.

Fourth.—To declare what shall be deemed nuisances, and to provide for the prevention, abatement and removal of the same, and to punish the authors thereof by penalties, fine and imprisonment: *Provided*, parties aggrieved by the provisions of this section may litigate the same in the circuit and supreme courts of this state. Nuisances.

Fifth.—To provide the city with water for the extinguishment of fire and the conveniences of the inhabitants, in such manner as it may deem best. Provide the city with water.

Sixth.—To change the boundaries of any ward and to establish new wards and provide for the election of aldermen. Wards.

Seventh.—To provide for lighting the streets, keeping the same in repair, and to prohibit obstructions and nuisances in any street or alley. Lighting of the streets.

Eighth.—To erect market houses, establish markets and market places, and provide for the government and regulation thereof. Market houses.

Ninth.—To provide for erecting all needful buildings for the use of the city; to license, tax and regulate auctions, merchants, retailers, grocers, sample sellers, taverns, hawkers, peddlers, brokers, pawnbrokers and money changers, hackney carriages, wagons, carts, omnibuses and drays, and to fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property. License.

- Porters.** *Tenth.*—To license and regulate porters, and fix the rate of portorage.
- License shows.** *Eleventh.*—To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Disorderly houses.** *Twelfth.*—To tax, restrain, prohibit and suppress tippling houses and dram shops; to prohibit and suppress gaming and gambling, gaming houses, bawdy houses, and all disorderly houses.
- License groceries, etc.** *Thirteenth.*—To license or entirely prohibit the sale of spirituous, vinous, mixed, malt or fermented liquors, within the limits of the city, by any person or persons.
- Fires.** *Fourteenth.*—To provide for the prevention and extinguishment of fires, and to organize, establish and support fire companies.
- Fire regulations.** *Fifteenth.*—To regulate the conduct of persons present at any fire in said city, and to provide for punishing any person disobeying such regulations.
- Disturbances.** *Sixteenth.*—To provide for the prevention and suppression of riots, routs and unlawful assemblages and any disturbance of the public peace, and punish by fine all persons guilty thereof.
- Gunpowder, etc** *Seventeenth.*—To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials; to compel the owner or occupant of any grocery, cellar, soap or tallow-chandlery, blacksmith, tannery, stable, slaughter house, distillery, brewery, sewer or privy; to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants affected thereby.
- Slaughter houses, etc.** *Eighteenth.*—To direct the location and management and construction of, and restrain, abate and prohibit within the city and to the distance of one mile from the limits thereof, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as may be rendered.
- Railroad tracks.** *Nineteenth.*—To direct what streets and alleys in said city may be taken for laying and using for railroad track or tracks; to require railroad companies to keep in repair and to light the streets and alleys through which their tracks may run (this provision does not apply to horse railways), and construct and keep in repair and unobstructed suitable crossings at the intersection of their roads with the streets, alleys, ditches, sewers and culverts; to direct the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.
- Sale of intoxicating liquor in town of Normal.** *Twentieth.*—The city council shall forever prohibit, by ordinance, the sale of intoxicating liquors within that part of the city lying and being in the town of Normal, and designated in chapter 1, section 2, of this bill, as the south-east quarter of section thirty-two (32), the south half of

section thirty-three (33), and the southwest quarter of section thirty-four (34), all in township twenty-four (24), north of range two (2) east of the third principal meridian, and such other portions of said township of Normal as may hereafter be laid out into lots and be attached to said city of Bloomington.

Twenty-first.—To establish and regulate standard weights and measures in all cases not otherwise provided by law. Weights and measures.

Twenty-second.—To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work; and to provide for the inspection and weighing of hay, stone coal, charcoal, firewood and other fuel to be sold or used within the city; and to provide for and regulate the inspection of tobacco, beef, pork, flour, meal and spirituous liquors of all kinds brought to the city for sale; and to regulate the weights and quality of bread to be sold and used in the city. Inspection of work and materials.

Twenty-third.—To provide for taking enumerations of the inhabitants of the city, and to provide for numbering the houses in said city, and to compel the owner or occupant of such houses to have the number thereof placed thereon in some conspicuous place. Census, etc.

Twenty-fourth.—To regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance. Fees of jurors.

Twenty-fifth.—To prohibit horse racing and immoderate riding or driving in the streets; to prohibit and punish the abuse of animals, and to compel persons to fasten securely their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street. Horse racing, riding and driving.

Twenty-sixth.—To authorize the arrest, fine and imprisonment in the city or county jail, as vagrants, of all persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places, to beg or receive alms; also, keepers, exhibitors or visitors at any gaming table, gambling house, house for fortune telling, places for cock fighting or other places of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held. Vagrants, etc.

Twenty-seventh.—To establish and regulate public pounds, and to restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, Public pounds.

and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings ; and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Restrain dogs.

Twenty-eighth.—To tax, regulate, restrain and prohibit the running at large of dogs and to authorize their destruction, when at large contrary to ordinance.

Safety of citizens.

Twenty-ninth.—To provide for the safety and convenience of the inhabitants and other persons in the city, by prohibiting all acts, sports or amusements in the streets or public places of the city of a dangerous character.

Billiard tables.

Thirtieth.—To license, regulate, restrain and suppress billiard tables and from one to twenty pin-alleys.

Pumps and wells, etc.

Thirty-first.—To regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Stallions and jacks.

Thirty-second.—To regulate and prohibit the exhibition in the streets of said city of stallions and jacks.

Sidewalks to be kept clean.

Thirty-third.—To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

Pest houses.

Thirty-fourth.—To establish and erect one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Vagrants.

Thirty-fifth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

City police.

Thirty-sixth.—To provide for day and night police in said city, and to regulate and control said police.

Gaming houses, etc.

Thirty-seventh.—To suppress all gaming houses and houses of prostitution, and to provide for the entry of the same by the city marshal, by force or otherwise, and the arrest of all persons found therein, and the destruction of all implements of gaming found therein, and for the punishment of all persons so arrested by fine or imprisonment or otherwise.

Concealed weapons.

Thirty-eighth.—To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, any pistol, or colt, or slung-shot, or cross knuckles, or knuckles of brass, lead or other metal, or bowie-knife, dirk-knife, dirk or dagger or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons.

Unsafe structures not to be erected.

Thirty-ninth.—To prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney, in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Unwholesome provisions.

Fortieth.—To cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Fines and forfeitures.

Forty-first.—To impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the en-

forcement of such penalties; to provide for the punishment of offenders by imprisonment in the county or city jail, and in all cases where such offenders fail or refuse to pay any fine or forfeiture recovered against them, to require them to labor on the streets of said city at one dollar per day until the whole fine and costs shall be paid.

Forty-second.—To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city and the trade and commerce of the city, as may be necessary to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce the observance of all rules, ordinances, by-laws and police and other regulations made in pursuance of this act, by penalties not exceeding one hundred dollars for any offence against the same. Publish ordinances, etc.

§ 2. The city council may, by ordinance, provide that in all suits brought for the violation of any ordinance or the recovery of any fine under this act, before the police magistrate or other officer, the first process shall be a warrant for the immediate apprehension of the offender, and may further provide that no change of venue shall be taken from such police magistrate or justice of the peace selected by the city, as hereinafter provided, and that no appeal shall be taken from any judgment of any such justice of the peace or police magistrate, except upon bond given and the proceedings and testimony reduced to writing as a bill of exceptions, signed by said magistrate or other officer, and the appellate court shall try said appeal on the proceedings and evidence embodied in said bill of exceptions and none other. Process.

§ 3. The city council shall have power to open, alter, abolish, widen, extend, establish, grade, pave, plank or macadamize, or otherwise improve and keep in repair the streets, avenues and lanes and alleys; to make, establish, build and construct sewers, and to carry out a system of sewerage; to erect lamp posts and to build public cisterns; to drain the city and to take private property for any of said purposes, first making provision for ascertaining and payment of adequate and just compensation for all damages to the owners of such property in such manner as the council, by ordinance, may provide, and to require the owners of any lot or piece of ground to lay a good and substantial sidewalk along any street or alley passing such lot or ground, in such manner as the council may provide. The expenses of any improvement mentioned in this section, or any portion thereof (except sidewalks), may be levied and assessed upon the real estate adjoining or benefited thereby, with the costs of proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto, and may be collected as in other cases. The above assessments may be made either by a jury or by commissioners appointed by the city council, as Open streets, etc.

Expenses how to be paid.

council shall, by ordinance, provide; and such assessments may be levied and collected before such improvement shall be made, according to the estimated cost of the same, as estimated by the council, and if such estimate shall be, when collected, insufficient to make such improvements, then the council may make a second assessment, or may pay the deficiency out of the general fund of the city, as they may deem best. All owners or occupants in front of or upon whose premises the council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, repaired, re-laid or cleansed, shall make, repair, re-lay or cleanse such sidewalk or private drain at their own cost and charge, in the manner and within the time prescribed by ordinance or otherwise, and if not done in the manner and within the time prescribed, the city council may cause the same to be constructed, repaired, re-laid or cleansed, and assess the expense thereof by an order to be entered in their proceedings upon such lots, respectively, and collect the same as in other cases. The council may provide, by ordinance, that suits may be instituted in any court having jurisdiction, against the respective owners of any real estate for the recovery of the amount of the expenses and costs of any special tax or assessment authorized by this section, and it may be optional with the council which remedy shall be pursued.

Horse railways.

§ 4. The city council shall have power, by ordinance, to contract with horse railway companies as to the manner of laying down of tracks for horse railways, and the location of switches, turn-outs and depots, and to require the companies constructing said railways to plank or otherwise keep the same in repair between the rails, in such manner as the city council may direct. To designate the grade upon which said railways shall be laid, and the portion of the street upon which the same shall be laid, and to require said companies to keep in repair and unobstructed suitable crossings wherever said railways shall cross the streets, alleys, sidewalks and crosswalks of said city; and to require said companies to lay their tracks and run their cars in such a manner as shall not obstruct or hinder the ordinary travel upon the streets or avenues where their tracks are laid.

City council
may issue
bonds.

§ 5. The city council shall have power to issue bonds of said city to an amount not exceeding ten thousand dollars, which bonds shall be made payable in not more than twenty years, and shall bear a rate of interest not exceeding ten per cent. per annum, for the purpose of purchasing and equipping one or more fire engines, and for purchasing or building such buildings as may be necessary for properly keeping the same. Such bonds shall be executed and issued in such manner as the council may provide, the interest to be paid annually or semi-annually, at the option of the council.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

§ 1. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Bloomington;" and all ordinances passed by the council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid; and proof of said publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinances in all courts or places.

Style of ordinances.

§ 2. All ordinances of the city may be proven by a copy thereof, certified by the clerk, under his hand and the corporate seal of the city, if there be one; and, when printed and published in book or pamphlet form, by authority of the corporation, the same shall be received in evidence in all courts and places without further proof; and the council shall cause all ordinances of the city, then in force, to be revised and published in book or pamphlet form within twelve months after the passage of this act.

Ordinances—how proven.

§ 3. All ordinances, regulations and resolutions now in force in the city of Bloomington, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the council after this act shall take effect.

Old ordinances continued in force.

§ 4. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Former suits, etc., may be prosecuted under this act.

§ 5. All property, real, personal or mixed, belonging to the city of Bloomington, is hereby vested in the corporation created by this act; and the officers of said corporation, now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act.

Property vested in new corporation.

§ 6. This act shall not invalidate any legal act done by the council of the city of Bloomington, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability, which may have accrued to or been created by said corporation prior to the passage of this act.

Prior acts not invalidated by new charter.

§ 7. In all prosecutions or suits brought by the city of Bloomington for the violations of any ordinances, by-laws or police regulations, the said city shall be exempt from all court fees, to the same extent as the state, by the laws thereof, is in criminal prosecutions.

City exempt from costs in certain cases.

City not required to file appeal bond.

§ 8. When, in any suit, the city of Bloomington shall pray an appeal from the judgment of any court of this state to a higher court, said city shall not be required to file an appeal bond, but such appeal shall be granted without bond.

Suits may be brought before police magistrates in certain cases.

§ 9. All suits or actions for the recovery of any fine, penalty or forfeiture arising under this act or the ordinances of the city, when the amount sued for or in controversy does not exceed one hundred dollars, may be brought before any police magistrate of the city or before any justice of the peace in the city designated by the council: *Provided*, that police magistrates and police constables, when elected under any law of this state, and all justices of the peace designated by the council and called upon to act under any ordinance, shall, in addition to the bond now required by the laws of this state, enter into bond to the city of Bloomington, in such sum as the council may direct, binding them to make their report, and pay over to the treasurer all moneys which may come into their hands belonging to the city, and to obey and conform to such police regulations as may be established by the council.

Compensation of mayor and aldermen.

§ 10. The mayor and aldermen of said city shall each receive, in full compensation for their official services, the sum of one dollar per year, and no more; and neither the mayor or any alderman shall, during his term of office, be appointed to or competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees, directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract, the expenses or consideration of which are to be paid under any ordinance of the city council.

Sub-divisions to be approved by council.

§ 11. In all cases when lands in or adjoining said city are hereafter subdivided and laid out in blocks, lots, sublots, streets and alleys, or when new streets or public grounds are donated or granted to the public by any person, the map or plat thereof shall be submitted to the city council for approval. If they approve the same a certificate of such approval shall be indorsed upon said map or plat, signed by the mayor and certified under the seal of said city; and no such map or plat shall be entitled to record or have any validity until so approved by said council; and such map or plat, when so approved by the city council, shall be deemed legal and valid, without the approval of the board of supervisors of McLean county, or any other county authorities.

Conservators of the peace.

§ 12. All officers of the city, aldermen included, are hereby created conservators of the peace by this act, and shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, and, if necessary, detain such persons in custody over night, in the city jail or other safe place, and

shall have and exercise such other powers, as conservators of the peace, as the council may prescribe.

§ 13. Nothing in this act contained shall be construed so as to deprive the council of said city of any power or authority conferred upon the same by the act under which said city was incorporated and the various acts amendatory thereto, but the council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such power and authority have been expressly modified or repealed by this act or the acts heretofore mentioned. Council to retain powers conferred by former acts.

§ 14. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places. This act to be evidence.

§ 15. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to establish and incorporate the city of Watseka, the county seat of Iroquois county. In force Feb. 19, 1867.

ARTICLE I.

BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of Iroquois and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body corporate and politic under the name and style of "The City of Watseka;" and by that name sue and be sued, complain and defend in any court, and take and hold, purchase, lease and convey such real, personal or mixed estate as the purposes of the corporation may require, within and without the limits hereinafter described; and may make and use a common seal, and alter the same at pleasure. Style of corporation.
Powers.
Seal.

§ 2. Said city shall embrace within its limits the territory following: The north west quarter of section four (4) and the north half of section five (5), both tracts situated in township twenty-six (26) north, range twelve (12) west; also, the south east quarter of the north west quarter of section thirty-two (32), and the south west quarter of section thirty-two (32), and the east half of section thirty-two (32), and the west half of section thirty-three (33), all of said tracts in section thirty-two (32) and thirty-three (33), situated in township twenty-seven (27) north, range twelve (12) west, in Iroquois county. Boundaries.

Additions to the city.

§ 3. Whenever any tract of land adjoining the city of Watseka shall be laid off and platted into lots, and recorded according to law, the same shall be annexed to and form a part of the corporation of said city.

Annexation of Middleport.

§ 4. Whenever a majority of the adult actual residents of the town of Middleport (which town is situated in the vicinity of the city of Watseka,) shall petition the council of the city of Watseka to be received into and made a part of said city, said town, including the entire town plat of said town, may be received into and made a part of said corporation by the council of said city, and thereafter the name and separate existence of said town of Middleport shall be merged in that of Watseka; and such action on the part of said town of Middleport and said city of Watseka, shall be deemed and taken as conclusive in all questions, litigations or proceedings that may thereafter grow or arise out of any ordinance or other proceeding of the city of Watseka.

Division into wards.

§ 5. The city of Watseka shall be divided into four wards in the following manner, that is to say: A line now partially represented by the center of Fourth (4th) street, running through said city from the extreme northern limit to the extreme southern limit of said city shall constitute one line of the division into wards, and a line now represented by the Toledo, Peoria and Warsaw Railway, shall constitute the other. That ward bounded on the west by the line running along Fourth (4th) street, and on the north by said railway, shall be known as the first ward. That ward bounded on the east by the line running along Fourth (4th) street, and on the west by said railway, shall be known as the second ward. That ward bounded on the west by the line running along Fourth (4th) street, and on the south by said railway, shall be known as the third ward. And that ward bounded on the east by the line running along Fourth (4th) street, and on the south by said railway, shall be known as the fourth ward. The city council may create additional wards or change the limits and boundaries of the wards herein defined, whenever they shall deem such action necessary to the interests of said city.

First ward.

Second ward.

Third ward.

Fourth ward.

ARTICLE II.

City council.

§ 1. The municipal government of the city shall consist of a council, to be composed of a mayor and one councilman from each ward.

Office of mayor.

§ 2. The mayor shall hold his office for one year, and until his successor is elected and qualified. No person shall be elected mayor until he shall have resided in said city at least one year next preceding his election, nor if under twenty-one years of age, nor if he has been a defaulter in any office of said city, the term defaulter meaning one who

has refused to pay over any of the moneys of said city within thirty days after being demanded; nor shall he be mayor if not a citizen and voter under the laws of this state. If the mayor shall move out of said city, his office shall be considered vacant.

§ 3. He shall be the presiding officer of the council, and shall have a casting vote, and no other; and in case of his non-attendance, the councilmen may appoint one of their number to be the presiding officer, *pro tem*.

Mayor to preside, and have casting vote.

§ 4. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances of the city, and shall give the council, at any meeting, information of the official misconduct of any subordinate officer, that may come to his knowledge. He shall from time to time give the council such advice, in writing, concerning the affairs of said city, as he may deem prudent and wise.

Duties of mayor

§ 5. The mayor of said city shall be a conservator of the peace in said city, and he shall have summary power to suppress all riots and breaches of the peace, and to apprehend all persons who may be engaged in his presence in the commission of such offence or any indictable offence, and take them before the proper tribunal for trial or examination; and he may apprehend or restrain, for a reasonable time, any person who shall be found drunk, or who shall threaten to break the peace, and may hold them in the county jail, if necessary, for such time.

Powers of the mayor.

§ 6. In case of willful or wanton neglect or omission of duty by the mayor, the councilmen shall have the power to remove him at any regular or special meeting, appointing one of their number chairman; first having notified said mayor, in writing, by the city clerk, of the time, place, and nature of the charges against him. In all cases, it shall require a unanimous vote to remove the mayor for the causes aforesaid.

Removal from office of mayor

§ 7. No person shall be a councilman, unless at the time of his election he shall have resided six months within the city and shall have resided sixty days within the ward for which he shall be elected. If he shall remove from his ward, during the term for which he was elected, his office shall be vacant. In other respects, councilmen must possess the same qualifications as the mayor.

Qualifications of councilmen.

§ 8. The councilmen shall hold their office for the period of one year, and until their successors are elected and qualified: *Provided*, that neither the mayor nor councilmen, when elected to fill a vacancy, shall hold his said office longer than the next succeeding annual election, and until his successor shall be qualified.

Tenure of office

§ 9. The mayor and councilmen shall receive no other pay or salary for the performance of their duties than may have been fixed and defined by the city council of the preceding year: *Provided*, that the city council first elected

Pay of the city council.

under this charter may, by ordinance, provide for their own pay and salary, not exceeding two dollars for each and every day they may each, respectively, necessarily be engaged in the business of said city.

Members of city council not to be interested in city contracts.

§ 10. Neither the mayor nor any councilman shall hold any other city office, of honor or profit, during the term of his office; nor shall either of them be directly or indirectly engaged in any contract, in a private capacity, with said city during the term of their office.

Oath of office.

§ 11. The mayor and councilmen shall each, respectively, take and subscribe an oath, in writing, such as is required by the constitution of the state, and that they will support the constitution of the United States, and the constitution and laws of the state of Illinois, and that they will honestly and diligently perform the duties of their said office; and said oath shall be filed in the office of the city clerk.

§ 12. The city council shall judge of the election, qualifications and returns, of their members.

Quorum.

§ 13. A majority of the city council shall be necessary to transact business, but a less number may adjourn from day to day and compel the attendance of absent members.

Powers of city council.

§ 14. The council shall have power to establish rules for its government and proceedings, and shall have power to punish members for disorderly conduct, and, for cause, an alderman may be expelled by a two-thirds vote.

Shall keep a journal of proceedings.

§ 15. The council shall keep a full journal of their proceedings in a book or books for that purpose, which shall be open to public inspection.

Time of holding meetings.

§ 16. The regular meetings of the council shall be the first Monday in each month, and they may have special meetings upon the call of the mayor or any two councilmen.

Councilmen to be exempt from street labor.

§ 17. The members of the council shall be exempt from street labor or jury service, during their term of office.

ARTICLE III.

ELECTIONS.

First charter election.

§ 1. The first election under and in pursuance of this charter, for mayor and councilmen, shall be held on the first Monday of March, A. D. 1867, and ever thereafter the election for said offices shall be held, annually, on the first Monday in March.

Future elections.

Places of voting

§ 2. The city council shall designate some central and convenient place for holding the elections in said city, changing the same, when necessary. They shall provide a suitable ballot box, with four distinct apartments, or as many apartments as there are wards, each of which shall be conspicuously marked or numbered, "1st Ward," "2d

Ward," and so on, as the case may be; and each person offering to vote shall distinctly announce his name and the number of the ward in which he resides, and if a legal voter, as hereinafter provided, his ballot shall be deposited in that apartment of the box numbered for the ward in which such voter resides. The mayor shall be elected at the annual election each year, the voters designating the person of their choice for mayor upon the same ballot with councilmen.

Manner of voting.

§ 3. Previous to any annual election the council shall appoint two judges of elections, who shall hold their office for one year, and until others shall be appointed in their places, respectively.

Judges of election.

§ 4. The judges of elections shall hold the elections in said city as the council shall, by resolution or order, appoint. Twenty days' notice of the annual elections, and ten days' notice of all special elections, shall be given by the mayor, which shall be given by a written or printed notice being posted up in a public [place] in each ward, or by being printed in some newspaper in said city.

Elections.

Notice of election.

§ 5. In case only one of said judges shall be present at the opening of any election, he shall appoint another person, who is a legal voter of the city, to be judge thereof with him.

Absence of the judges of election.

§ 6. In case no judge shall be present at the time of opening any election, the legal voters present shall choose two legal voters of the city to serve as judges.

§ 7. The judges of elections shall appoint a clerk for each ward, who shall be a resident and voter of such ward; and such clerk shall keep a poll list of the election for the ward for which he is clerk, and shall enter therein the name of every person of his particular ward, voting at said election.

Clerks of election.

§ 8. Before any vote shall be taken, the judges shall severally take the following oath or affirmation: "I, A. B., do solemnly swear (or affirm) that I will perform the duties of this election according to law and the best of my ability, and that I will studiously endeavor to prevent deceit and abuse in conducting the same."

Oath of election judges.

§ 9. The clerks shall take a like oath or affirmation.

Oath of clerks.

§ 10. Such oaths may be taken before any officer authorized to administer oaths, and in case no officer be present the judges may administer the oath or affirmation to one another; and one of the judges may administer it to the clerks; and the person administering the oaths shall cause an entry thereof, with his attestation, to be made and subscribed and prefixed to the poll books.

Administering the oath.

§ 11. All votes shall be by ballot, containing the name of the person or persons voted for and the designation of the office for which he is voted.

Votes shall be by ballot.

Manner of
voting.

§ 12. The ballot shall be folded by the voter and shall be received by the judges and deposited in a box to be provided by the city, as hereinbefore designated, without being opened; and no ballot shall be received unless written or printed on white paper without marks or figures except as required by law.

Challenge of
vote.

§ 13. If any person shall offer to vote, and shall be challenged by a legal voter of the ward in which he shall reside or shall be suspected by the judges not to be a legal voter he shall be required to take the following oath or affirmation: "You do solemnly swear (or affirm) that you are a legal voter according to the constitution and laws of Illinois; that you have resided in said ward for thirty days last past and that you have not voted at this election;" and in addition, the judges may interrogate such person upon his oath, particularly as to whether his residence has been permanent and in good faith, specifying the house in which he resides, his business or employment, and in addition may be required to support his statements by two witnesses known by the judges to be legal voters in said ward. If any person offering to vote, as aforesaid, shall refuse to be examined as aforesaid or when required thereto, can not be supported, as aforesaid, his vote shall be rejected.

Oath of chal-
lenged voter.

Rejection of
vote.

Penalties for
judges and
clerks of elec-
tion.

§ 14. Judges and clerks of election shall be subject to like penalties for non-performance of or willful or corrupt disregard of their oaths or duties as are provided by the laws of the state for judges and clerks of general elections, and persons illegally voting or offering to vote or falsely swearing, shall be subject to the same penalties provided by the laws of the state under like circumstances.

Opening and
closing of polls

§ 15. The polls at every election shall be opened at least as soon as ten o'clock A. M. and shall not be closed before six o'clock P. M.

Preservation of
order.

§ 16. To preserve order and protect the judges and clerks from insult and abuse, any constable or the city marshal in said city who may be designated by the judges, shall attend at every election; and if the city marshal or any constable be not present, the judges may, in writing, appoint one or more special constables for the same purpose.

Riotous con-
duct at elec-
tions.

§ 17. The judges may impose a fine of not more than five dollars upon any person who shall conduct in a disorderly or riotous manner at any such election, and shall persist in such conduct after being warned that such fine will be imposed.

§ 18. Upon such person refusing to pay said fine, the judges shall issue a warrant, under their hands and seals, directed to the sheriff or any constable of the county or marshal of the city, and the jailor of the county of Iroquois commanding them or either of them to commit said person to the jail of said county for the period of five days, unless said fine shall in the meantime be paid, and requiring said

jailor to secure and keep such person in prison accordingly and such warrant shall be executed. The formal part of said warrant shall be as follows :

STATE OF ILLINOIS, }
Iroquois county, } ss.
 City of Watseka. }

Form of war-
 rant.

The People of the state of Illinois : To the sheriff or any constable of said county, or the marshal of said city and the keeper of the common jail of said county, greeting : You, or either of you are hereby commanded to take the body of — and commit him to the common jail of said county for the period of five days, unless, in the meantime, he pay the sum of — dollars, which we have this day as judges of the election held in said city, assessed against him for disorderly and riotous conduct ; and you, the said keeper of the common jail, are required to receive and safely keep the said — for the said period of five days, unless sooner discharged upon payment of the fine as aforesaid, or unless otherwise sooner lawfully discharged, and this shall be your sufficient warrant.

Given under our hands and seals this — day of —, A. D. 18—.

—, [L. S.]
 —, [L. S.]

Judges of election in the city of Watseka.

§ 19. At all elections; general or special, if the judges Elections.
 of election are satisfied, under the provisions of this act and the other laws of this state relating to elections, that the person offering the vote is a legal voter, they shall indorse on the ticket offered the number corresponding with the number of the vote on the poll book of the proper ward, and put said ticket immediately in the ballot box, and the clerk of the election for the particular ward shall enter the name of the voter and his number in the poll book of the proper ward.

§ 20. Where the polls of any election shall be finally closed the judges and clerk of the proper ward shall proceed to canvass the votes taken for each ward separately and respectively ; the judges and the clerk for the proper ward shall first compare and correct the poll list of said ward, and shall then count the ballots in the proper apartment of the ballot box, and if they shall exceed the number of votes entered in the poll list said ballots shall be returned to the proper apartment of the box, and one of the judges shall publicly draw out therefrom and destroy so many ballots unopened as shall be equal to such excess ; the poll books shall then be signed by the judges and attested by the clerk for the proper ward ; the names therein contained shall then be counted and the number set down at the foot of the proper poll book.

Canvassing the
 vote.

Manner of can-
 vassing.

Manner of canvassing vote.

§ 21. One of the judges shall then open and read the ballots and the clerk of the proper ward shall have a tally paper in which he shall enter the name of each candidate for mayor and councilmen of his ward and the office for which he received votes, and shall mark down the number of votes each candidate shall receive for each office.

Illegal ballots.

§ 22. If two ballots shall be deceitfully folded together upon such canvassing they shall both be destroyed.

Preservation of ballots.

§ 23. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, the ballots of each ward separately in the order in which they have been read and shall then be carefully enveloped separately for each ward and sealed up by the judges who shall direct the same to the city clerk, or in his absence to the mayor, to whom they shall be delivered within twenty-four hours, together with the poll book for each ward, and the city clerk shall carefully preserve said ballots and the poll books for six months, and at the expiration of that time shall destroy such ballots only, and in all cases of contested elections the parties contesting the same shall have the right to have said package of ballots opened and said ballots referred to by witnesses for the purpose of such contest. But such ballots shall only be so examined and referred to in the presence of the city clerk.

In case of contest.

Certificates of election.

§ 24. When the votes shall have been canvassed, as aforesaid, the judges and clerk of the proper ward shall make out a certificate of the result of the election for each ward, as near as may be, in the following form:

At the election in the city of Watscka, at —, on the — of —, being the — day of the same month in the year of our Lord, one thousand eight hundred and —, the following named persons received the number of votes annexed to their respective names for the following described offices, to-wit:

A. B. had — votes for mayor of said city.

C. D. had — votes for mayor of said city.

E. F. had — votes for councilman of — ward.

G. H. had — votes for councilman of — ward.

Certified by us:

A. B., —,

C. D., —,

Judges of the election.

Attest:

G. H., clerk of the election for — ward.

Poll books to be returned to city clerk.

§ 25. The poll book and the said tally paper for each ward and said certificate shall be attached together and returned by the proper clerk or judges to the city clerk.

City council to canvass returns.

§ 26. The city council shall canvass the returns so made and declare the result thereof within five days after the holding of said election.

§ 27. When two or more candidates shall have an equal (and highest) number of votes for the same office the election shall be determined in the presence of the council on the day the returns are canvassed by the casting of lots by the mayor or chairman, *pro tem*. Tie vote.

§ 28. The present president and trustees of the town of Watseka shall, as soon after the passage of this act as practicable, give notice of the time, place and officers to be voted for at the first election to be held under this charter; they shall provide a place for holding said election; they shall appoint judges for said election as provided for in section three of this article. Said judges shall conduct said election as hereinbefore provided, and the returns shall be made in the manner hereinbefore provided to the clerk of said board of trustees or the president of said town of Watseka; in case of the absence of said clerk, and in all respects the canvassing of said returns and the mode of the procedure thereupon shall conform, as near as may be, to the manner of proceeding hereinbefore pointed out for the said city council. Notice of first election. Judges of election. Mode of procedure.

§ 29. In case the mayor elect or any councilman elect, shall not take the oath of office hereinbefore prescribed, within ten days after the result of said election shall have been declared by the city council, a special election shall be ordered as hereinbefore provided to fill said office. Failure to take oath of office.

§ 30. The judges and clerks of elections in said city, shall receive such compensation as the city council may by ordinance provide. Compensation judge and clerk of election.

ARTICLE IV.

OF CITY OFFICERS OTHER THAN MAYOR AND COUNCILMEN.

§ 1. There shall be a clerk of said city to be appointed annually by the city council, and he shall hold his office until his successor is appointed and qualified, subject however, to be removed by the common council for neglect of duty or mal-conduct in office. City clerk.

§ 2. He shall have custody of the books, records, papers of the corporation and of the seal of the city. He shall also keep the journal of the proceedings of the city council, at whose meetings it shall be his duty to attend, and he shall make all entries in the corporation books and records, copies of all papers filed in his office and transcripts from the records of the proceedings of the city council, and copies of all ordinances certified by him under the corporate seal, shall be evidence in all courts, in like manner, as if the originals were produced. He shall also have power to administer any oath or take any affidavit authorized to be administered or taken by the laws of this state. Duties of city clerk.

§ 3. In case of his absence or inability to act, the city council may appoint a temporary clerk with like powers. Absence of city clerk.

Oath of clerk.
Bond.

§ 4. The clerk shall take an oath or affirmation of office, and he shall be required to give a bond to the city, in the penal sum to be fixed by the city council, conditioned for the faithful performance of the duties of his office and the delivery to his successor of the seal and books, papers and moneys of the corporation in his hands or control.

City attorney.

§ 5. The city council may appoint a city attorney and the tenure of his office and his duties, shall be regulated by ordinance.

City marshal.

Oath and bond.

§ 6. There shall be a city marshal to be appointed by the city council, who shall take and subscribe an oath or affirmation of office, and he shall give a bond to said city of Watseka, with sufficient securities to be approved by the mayor, in a penal sum to be fixed by the city council, conditioned for the faithful performance of the duties of his office.

Powers of marshal.

§ 7. The marshal shall have and possess the powers and authority of a constable under the laws of this state; to execute and return all process or writs issued by any proper officer by virtue of this act, or any ordinance in pursuance thereof. He shall be conservator of the peace, and shall have power to suppress riots and breaches of the peace, and take into custody any person who shall, in his presence be engaged in the commission of any such offence or in any indictable offence, and take such person before the proper tribunal for examination or trial. He shall also have power to restrain for a reasonable time, all persons who shall be found drunk, or who shall threaten or attempt to break the peace, or who shall violate or threaten or attempt to violate any ordinance or police regulation of said city. And he shall be authorized to command assistance for such purpose; and he shall have authority to commit any such person to the county jail, and if necessary, there detain such person over night or the Sabbath, or until they can be brought before the proper tribunal for examination or trial.

Term of office of marshal.

§ 8. The tenure of office of the Marshal shall be regulated by ordinance of said city.

Street commissioner.

Bond.

§ 9. The city council shall appoint a street commissioner and shall regulate the tenure and duties of his office by ordinance. They shall have power to require bond of him with securities, for the faithful performance of his duties, fixing the terms, conditions and penalties thereof.

City treasurer.

Oath.

Bond.

§ 10. There shall be a city treasurer, to be appointed by the city council, who shall before entering upon the duties of his office, take and subscribe an oath or affirmation of office; and shall also give a bond to said city with sufficient securities, to be approved by the mayor, and in a penal sum to be fixed by the city council, conditioned for the faithful performance of all duties required of him by law or the ordinances of the city, and that he will deliver to his successor in office, all books, papers, moneys and

other things belonging to said city, and appertaining to his office.

§ 11. The city treasurer shall receive all moneys belonging to said city, and shall keep an accurate account of all receipts and expenditures, in such manner as the council may direct. He shall exhibit to the city council at least twenty days before the annual election, and at other times when required, a full and detailed account of all receipts and expenditures after the date of the last annual report and also the state of the treasury, which account shall be filed in the office of the city clerk.

Duties of treasurer.

§ 12. The city council shall have power to appoint such other officers, as they may from time to time deem necessary, which other officers they may, if they deem necessary, require to give bond with sufficient securities for the faithful performance of their duties, and shall have power to regulate the tenure of their office, and the duties thereof, by ordinance.

Powers of city council to appoint officers.

§ 13. The city officers, except in cases in which their compensation is regulated by law, shall receive such reasonable fees or compensation as the city council shall, by ordinance, order or resolution, direct and appoint.

Compensation of city officers.

ARTICLE V.

GENERAL POWERS OF THE CITY COUNCIL.

§ 1. The city council shall have the control and management of the finances and all the property, real, personal and mixed, belonging to the corporation.

Powers of city council.

§ 2. They shall have power to open, widen, alter, extend, establish, grade, regrade, pave, vacate and otherwise alter and improve, and keep in repair streets, alleys, avenues and highways, and to protect the same from encroachment and injury; and for any of the purposes in this section recited, or for the purpose of settling any question of disputed boundary wherein the corporation is concerned, they shall have power to contract with some competent engineer or surveyor.

Streets and highways.

Engineer or surveyor.

§ 3. They shall have power to remove and abate any obstruction or incumbrance upon the streets, ways and highways, and to regulate the manner and place of awnings and signs.

Obstructions.

Awnings and signs.

§ 4. To prevent the incumbering of the streets, sidewalks, crosswalks, alleys, highways and public grounds, with teams, horses, carriages, wagons, carts, sleds, railroad cars, boxes, barrels, lumber, timber, firewood, coal, posts or any rubbish, substance or material whatever, or to prevent collections of lumber or other combustible material, in the most populous and built up portions of the city.

Incumbering streets and sidewalks.

- Shade trees.** § 5. They shall have power to encourage by rewards and premiums and other expenditures, the planting and protection of shade trees.
- Sidewalks.** To compel occupants or owners of lots or lands to erect and maintain and keep in repair parapet walls and balusters, railings or other safeguards against accidents or injury on or along any sidewalk, cellar way, pit, excavation or other place where deemed necessary by the council.
- Night watches.** To compel all persons to keep the snow, ice or rubbish from the sidewalks in front of the premises owned or occupied by them.
- To establish and support night watches, and to regulate the same.
- To take an enumeration of the inhabitants of said city as often as they deem necessary.
- Fire companies** To provide officers and companies of men for the extinguishment of fires, and to reward or otherwise remunerate the same; to provide engines, hooks and ladders, buckets, wells, cisterns and pumps for the extinguishment of fires, and to make regulations to provide against danger from fire, and to prevent the same.
- Fires.**
- Sanitary measures.** To institute suitable hygienic and sanitary measures for the preservation of the health of the city; to make regulations to prevent the introduction of contagious or epidemic diseases into the city.
- Nuisances.** To define and declare what shall be deemed nuisances; to authorize and direct the summary abatement thereof, and to punish the author thereof by penalties, fines and imprisonment in the county jail.
- To compel the owners or occupiers of barns, stables, privies, pens or yards for the impounding or keeping of animals, or other nauseous place, to keep the same cleansed, or to remove them, if necessary for the health and comfort of the city; to prevent the indecent exposure of stallions or other animals.
- Sal of meat.** To prevent and punish the sale of any unsound or diseased meat, or other provisions.
- Breach of the peace.** To prohibit and punish any disorderly conduct, or any disturbance or breach of the peace.
- To prohibit and punish any willful or malicious destruction of or injury to any public or private property.
- Obscene behavior, etc.** To prohibit and punish public obscenity, either of language or action.
- Fast riding or driving.** To prohibit and punish the fast riding or driving of horses and vehicles in the streets and highways.
- Profanity.** To prohibit and punish public wrangling or quarreling; to prohibit and punish loud and public profanity.
- Beggars and prostitutes.** To restrain and punish vagrants, mendicants, street beggars and prostitutes.
- Gambling.** To restrain, prohibit and punish all descriptions of gaming and fraudulent devices, and all playing of dice, cards and all games of chance, with or without betting.

To prevent any riot, noisy disturbance or disorderly assemblage. Riot.

To regulate, restrain and prohibit the running at large of cattle, horses, swine, mules, sheep, goats, geese and other domestic or domesticated animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of the proceedings; and also to impose fines and penalties on the owners of any such animals for the violation of any ordinance in relation thereto. Cattle and horses.

To regulate, license, suppress and prohibit all exhibitions of common showmen, shows of every kind, concerts and other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, circuses and theatrical performances; to authorize the mayor or other proper officer of the city to grant or issue licenses for such exhibitions, and to direct the sums to be paid for such licenses, and the fees for granting the same. Shows.
Concerts.
Circuses, etc.
Licenses for exhibitions.

To license, tax, regulate or prohibit auctioneers, hawkers and peddlers. Auctioneers and peddlers.

To restrain, prohibit and suppress gaming houses, houses of ill fame, and all other disorderly houses, billiard tables, from one to twenty pin alleys or tables, pigeon holes and ball alleys or tables, and to authorize the demolition and destruction of all instruments or devices or instruments used for the purpose of gaming. Houses of ill fame.
Billiards.
Ten pin alleys.
Gaming.

To provide for the inspection and weighing of hay and coal; also for the measuring and inspection of fire wood, and to regulate the sale thereof.

To regulate or prohibit the storage of gunpowder, tar, pitch, resin or other combustible or dangerous combustibles within the city. Special police.

To appoint and maintain a special police force, when they shall deem necessary, and for such time as they shall deem proper, and regulate and prescribe the duties thereof. Powers of city council.

§ 6. The city council shall have power to make, pass, ordain, publish, amend and repeal all such ordinances, by-laws, police regulations, rules, orders and resolutions as they may deem proper and necessary for carrying into execution and effect the powers granted by this act, so that the same be not repugnant to or inconsistent with the constitution of the United States and of this state, and to enforce the observance of all such ordinances, by-laws, police regulations, rules, orders and resolutions, by forfeitures, fines, penalties, imprisonment and otherwise: *Provided*, no such forfeiture, fine or penalty shall exceed one hundred dollars, and no such imprisonment shall exceed three months. Forfeitures, fines and penalties.

§ 7. The city council shall have power to provide for the enforcement of the payment of fines, forfeitures and penalties, and the costs of the proceedings wherein such fine, forfeiture or penalty shall have been found, assessed or adjudged against any person, by imprisonment in the county jail until such fine, forfeiture or penalty, and such Imprisonment for fine.

costs shall be paid: *Provided*, such imprisonment shall not continue longer than for the period of three months.

Style of ordinances. § 8. The style of the ordinances shall be, "Be it ordained by the city of Watseka." All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper in the city or posted on a placard board near the front entrance of the court house, and in three other public places in said city, and shall not be in force until they shall have been published or posted for the period of six days. It shall be the duty of the clerk of the city to cause said ordinances to be published or to post the same, as he may be directed by the council; and in either case his certificate or certified copy of said certificate, attested by the seal of said corporation, attached to a copy of said ordinance, shall be held in all courts and places sufficient evidence of such publication or posting. The requirements of this section as to publication or posting shall not be taken and construed to include by-laws, rules, orders or resolutions.

Publication of ordinances.

Duties of clerk.

Evidence of publication.

Proof of ordinances. § 9. All ordinances of the city may be proven by the seal of the corporation, and when printed in book or pamphlet form, and purporting to be printed and published by the authority of the corporation, the same shall be received in all courts and places without further proof.

Old ordinances, etc., to remain in force until repealed or altered. § 10. All ordinances and resolutions passed by the president and trustees of the town of Watseka shall remain in force until the same shall have been repealed by the city council hereby created; and the said president and trustees shall continue in office, and exercise all the powers with which they are now invested, until the city council hereby created shall have been elected and qualified.

Pending suits and actions. § 11. No suit, action or prosecution which may have been instituted by the president and trustees of the town of Watseka prior to the passage of this act, and which may be still pending and undetermined, shall be abated in consequence of the passage of this act.

Liquor traffic. § 12. The having on hand, giving away, selling trading in, bartering, exchanging or otherwise disposing of any vinous, spirituous, mixed, malt or fermented liquor, or any other liquor that will intoxicate, for any purpose except for chemical, mechanical, medicinal, sacramental or culinary purposes, within the limits of said corporation, is absolutely prohibited. If any person shall violate this section, such offender shall be liable to a penalty or forfeiture of fifty dollars for each and every such offence or violation; and this prohibition shall be taken to include all persons so having on hand, giving away, selling, trading with, bartering, exchanging or otherwise disposing of such vinous, spirituous, mixed, malt or fermented liquors, or any other liquor that will intoxicate, whether he be the owner thereof, or only clerk or temporary assistant to such owner or reputed owner; and

Fine.

Definition of the offence.

they shall be liable, whether the owner or ostensible proprietor be known or not. Every such offender may be prosecuted, and the penalty or forfeiture be enforced and recovered by said city in an action or suit before any justice of the peace of the county of Iroquois, or may be indicted by the grand jury, and prosecuted in the circuit court of said county. In actions or suits before any justice of the peace by said city under and by virtue of this section, it shall not be necessary for said city to give security for costs; and the commencement of said action or suit shall be by summons, except when oath shall be made as in section fourteen of this article, which summons, in its formal parts, shall be as follows:

Actions and suits where the city is a party.

Summons.

STATE OF ILLINOIS, }
Iroquois County. } ss.

The People of the State of Illinois to any constable of said county, or the marshal of the city of Watseka—Greeting:

You are hereby commanded to summon — to appear before me at —, on the — day of —, A. D. 18—, at — o'clock — M., to answer the complaint of the city of Watseka, for a failure to pay said city a certain demand, not exceeding one hundred dollars, for a violation of section twelve of article five of the charter of said city; and thereof make due return as the law directs. Given under my hand and seal this — day of —, A. D. 18—.

Form of summons.

— — —, J. P. [SEAL.]

If such penalty or forfeiture shall not be immediately paid, the justice of the peace rendering judgment for such penalty or forfeiture shall at once commit the offender to the common jail of the county of Iroquois until said penalty or forfeiture and the costs of the proceeding be paid: *Provided*, that such offender shall not be detained in prison for the penalty or forfeiture incurred by any single offence for a longer period than three months.

Commitment to jail.

Proviso.

§ 13. Execution may issue immediately upon the rendition of any judgment for any penalty or forfeiture by virtue of the preceding section, if the same be not at once paid, and such execution shall be a lien upon the entire stock of liquors and furniture pertaining to such unlawful business or traffic that may be found where said offence was committed. When such execution shall be returned satisfied, if the offender shall still be in prison, the magistrate shall at once make out an order for his release or discharge, and he shall be discharged accordingly.

Executions.

§ 14. If any credible person shall make oath that any person has violated, as he has cause to believe, section twelve of this article, and that there is danger that any fine, forfeiture or penalty incurred by reason of the violation of said twelfth section of this article, will be lost unless the offender be held to bail, and shall also state the cause of such danger, under oath, so as to satisfy the justice of the

Violation of section 12.

peace that there is reason to apprehend such loss, it shall be the duty of such justice of the peace to issue a *capias* to apprehend such offender, which shall be, as nearly as circumstances will admit, in the following form, to-wit:

Form of *capias*. STATE OF ILLINOIS, } ss.
Iroquois County, }

The people of the state of Illinois to the marshal of the city of Watseka, or any constable of said county—Greeting:

You are hereby commanded to take the body of —, and bring him forthwith before me, the undersigned, justice of the peace, unless special bail be entered; and if such bail be entered, you will then command him to appear before me, at —, on the — day of —, A. D. 18—, at — o'clock, — m., to answer the complaint of the city of Watseka, for a failure to pay said city a fine, forfeiture or penalty of fifty dollars, for a violation of section twelve of article five of the charter of said city, and make due return as the law directs. Given under my hand and seal, this — day of — A. D. 18—.

————— J. P. [SEAL.]

And in all such cases the defendant shall have the right to release his body, arrested by virtue of such process, by giving special bail to the officer executing the same, which shall be indorsed on the *capias* in the following form, as near as may be:

Form of indorsement. I, A. B., acknowledge myself special bail for the within named —. Witness my hand this — day of —, A. D. 18—. A. B.

Approval of the same. which indorsement shall be signed by one or more sureties, to be approved by the officer executing the writ, and the liabilities which shall attach to such security or bail in such case shall be as follows: If the defendant shall not personally appear before the justice of the peace, as required, on the day set for trial, or if continued, on the day to which the same may be continued, and if he shall fail to pay whatever judgment may be obtained against him, or shall not surrender his body within thirty days from the judgment, then and in such case the bail shall pay the judgment and costs.

Failure to pay judgment.

Fines to go in the city treasury. § 15. All fines, forfeitures or penalties for violation of section twelve of this article, and all fines, forfeitures or penalties arising or growing out of any other provision of this charter, or for the violation of any ordinance or regulation made in pursuance of the powers thereof, shall, when collected be paid into the city treasury.

ARTICLE VI.

TAXATION.

Taxable property. § 1. The city council shall have power and authority to levy taxes upon all property, real and personal, within the

limits of the city, not exceeding one per centum per annum upon the assessed value thereof, and shall have power to make any special assessment necessary to carry out and enforce any of the provisions of this act. The fund arising from said general tax may, after defraying the general and contingent expenses of said city, be appropriated to such other special purpose as the council may direct.

Special assessment.

§ 2. The assessment of the county or township assessors for each and every year of the property in said city shall be deemed and taken as the assessment of said city, and the city clerk shall certify to the clerk of the county court on or before the time required by law for the county or township assessors to make their returns to the county clerk, all persons and property taxable therein, with the taxes and special assessments levied thereon, in which case they shall, by the county clerk, be entered on the proper tax book, and be collected with and in the same manner that the state and county taxes are collected, and the same fees shall be paid by said town for actual services herein as may be provided by the revenue laws of the state for similar services.

Assessment.

Collection of taxes.

Fees.

§ 3. The county or town collectors, having collected said city taxes and assessments, shall pay the same over to the city treasurer, at the same time he may be required by law to pay over the county revenue.

To be paid over to the city treasurer.

ARTICLE VII.

STREET LABOR.

§ 1. The city council shall have power, for the purpose of improving the streets, and keeping the streets, lanes, alleys and highways in repair, to require every male inhabitant of said city of twenty-one years of age to labor on the streets, alleys and public highways within the limits of the city, for any number of days in each and every year not exceeding four.

Amount of street labor.

§ 2. Any person may commute for such service by paying to the street commissioner at the rate of one dollar per day.

§ 3. Every person who, after having three days' notice from the street commissioner, to perform such labor, shall neglect or refuse to perform the same, and shall also neglect to commute therefor, shall be liable to a penalty of one dollar and fifty cents for each days' labor, to be recovered before any court of competent jurisdiction, and his liability to perform the labor shall not thereby be discharged.

Neglect to labor or commute.

§ 4. The inhabitants of said city shall not be liable to work upon any roads beyond the limits of the city, and shall be exempt from paying any tax in lieu thereof without said limits.

Citizens exempt from road labor outside the city limits.

ARTICLE VIII.

OF PUBLIC IMPROVEMENTS, AND SPECIAL ASSESSMENTS.

- Building of sidewalks and crossings.** § 1. The city council shall have power, from time to time, by ordinance, order, resolution, or otherwise, to cause side and crosswalks to be built, re-built and repaired in any street, alley or highway or part of street, alley or highway within said city, of plank or other material, as they shall think proper.
- Owners of lots.** § 2. All owners of lots or land in front of or adjacent to which the city council shall order sidewalks to be built, re-built or repaired, shall build, re-build or repair such sidewalks at their own costs and charges in the manner prescribed, and within the time directed by said city council, of which requirements he shall have notice in such manner as the city council shall prescribe, and if not done within the time and in the manner prescribed the city council may cause the same to be built, re-built or repaired, and assess the expense thereof, by an order to be entered in their proceedings, upon such lots and lands respectively, and collect such assessments in the same manner that city taxes upon real estate for general purposes are collected. A suit may also be maintained against the owner of the premises chargeable therewith, in any court of competent jurisdiction, as for money paid and laid out for his or her use at his or her request; and if such suit shall be commenced before a justice of the peace, the common statutory form of summons shall be a sufficient summons. The city council may also, by ordinance, impose such penalties upon the owners aforesaid for any neglect or refusal to comply with the requirements aforesaid, not exceeding five dollars for each day's neglect, as to the said city council shall seem proper.
- Notice given.**
- Expenses may be assessed.**
- Suit against owner.**
- Penalty for neglect.**
- Sidewalks.** § 3. Owners of real estate shall keep the sidewalks in front of or adjacent to their respective premises at all times in a safe condition and in a good and thorough state of repair; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner of the adjacent premises shall be liable therefor, and the same may be recovered by a suit in any court of general jurisdiction. If the owner be a non-resident proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of this state.
- Owner liable in case of damage.**
- Proceedings by attachment.**
- Expense of abating nuisances.** § 4. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, and collected in the manner provided in sections two and three of the sixth article of this act, such expenses shall likewise be collectable of the owner or occupant of such

premises in a suit for money expended to his, her or their use. Suit may in like manner be brought against the author of such nuisance when known, or any person whose duty it may be to remove the same.

Suit for collecting expense of nuisances.

ARTICLE IX.

DAMAGES BY OPENING OR ALTERING STREETS, ETC.

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane or alley, or for any other public improvement, the city shall make a just compensation to the owner thereof.

Altering streets and lanes, etc.

§ 2. If the amount of such damages can not be agreed upon, the mayor shall cause the same to be assessed before him by a jury of six freeholders of the city, not directly interested; and for such purpose the mayor shall have power to administer oaths to the jury and issue subpoenas for witnesses to any constable or the city marshal, and compel their attendance by attachment, and to administer oaths to witnesses.

Amount of damage.

Summon a jury of six.

§ 3. In assessing or estimating the damages in any such case, the jury shall take into consideration the benefits accruing to the said owner, either by reason of convenience or enhanced value by reason of such opening, widening or altering of such street, lane or alley.

Estimating the damages.

§ 4. The *venire* for a jury, in any case under the provisions of this article, shall be issued by any justice of the peace or police magistrate residing in said city on the application of the mayor, and shall have the same force and effect as in other cases.

Venire for a jury.

§ 5. All jurors in such cases shall first be sworn to diligently and impartially inquire into the amount of benefit or damages which shall happen thereby to the owners of property proposed to be taken, and shall make their inquest, in writing, in duplicate, signed by each juror, and they shall deliver one to the mayor and the other to the owner.

Oath of jurors.

§ 6. The mayor shall have power, for good cause shown, within ten days after any such inquest shall have been made, and return to him, as aforesaid, to set the same aside and cause a new inquest to be made.

Mayor may reject inquest.

§ 7. When the inquest of any such jury shall be returned to the mayor, he shall, unless a new inquest be ordered, report the same to the city council, who shall make such order or take such action in the case as they shall think proper; and if a new inquest be ordered by the mayor, a like course shall be pursued.

City council shall dispose of the inquest.

§ 8. The owner may take an appeal any time within thirty days from the final order or action of the city council, by entering into an appeal bond, with sufficient sureties, in the penal sum of one hundred dollars, conditioned for the payment of the costs of the appeal, and by filing a copy of

Appeal by owner.

Costs of appeal. the inquest with a copy of the records of the proceedings of the city council in the case with such bond, with the clerk of the circuit court of Iroquois county. If, upon trial in the circuit court, the appellant recovers more than was awarded to him, by the inquest, he shall recover costs, otherwise he shall pay them; from which judgment no appeal or writ of error shall lie. Upon such trial, on appeal, all questions of damages shall be open to investigation by the circuit court.

Damages to be paid before the land can be appropriated. § 9. The land required to be taken for the making, opening, widening or altering any street or other highway, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent; or, in case said owner or his agent can not be found in said city, deposited to his or her credit, in some safe place of deposit, other than the hands of the city treasurer, and then such lands may be taken for the purposes aforesaid.

Widening or altering streets. § 10. When the owners of all the property abutting or lying on any street or part of street, lane or other highway proposed to be opened, widened, changed or altered, shall petition therefor, the city council may open, widen, change or alter the same, upon conditions to be prescribed by ordinance; but no compensation shall be made to any of said owners for their property taken for said purpose.

No compensation. Petitions to vacate. § 11. When the owners of all the property on any street or part of street, lane, alley or other highway, shall petition the city council to vacate the same, the city council shall have power, if they deem it for the best interests of the city, to vacate such street, part of street, lane, alley or other highway upon the payment by such owners, to the city, of such sum or sums as the city council shall deem their respective lots or lands benefited thereby. The order of the city council ordering or declaring such vacation, entered of record shall be taken to be conclusive of such vacation.

Action of city council conclusive.

ARTICLE X.

- § 1. The city council shall have power—
- School districts *First.*—To lay off and divide the city into one or more school districts, alter the same and create new ones.
 - School houses. *Second.*—To purchase or lease sites for school houses, with the necessary grounds.
 - School buildings. *Third.*—To erect, hire or purchase buildings suitable for school houses and keep the same in repair.
 - Libraries. *Fourth.*—To furnish schools with necessary fixtures, libraries and apparatus.
 - Common schools. *Fifth.*—To establish, support and maintain common schools.
 - Teachers. *Sixth.*—To hire teachers and fix their compensation.

venth.—To prescribe the studies to be taught in the School books, different schools, and the school books to be used.

Eighth.—To appoint a board of school inspectors, not exceeding three in number, and to prescribe the powers and duties of such inspectors. Such inspectors shall not be entitled to any compensation. School inspectors.

Ninth.—To cause the public moneys for the support of schools to which the said city or the schools therein may be entitled, to be paid into the city treasury and to direct the expenditure thereof. School moneys

Tenth.—To supply inadequacy of such moneys for the payment of teachers by a school tax. School tax.

Eleventh.—To levy taxes and cause their collection as other taxes are collected for the pay of such teachers, and for the building of school houses and repairing the same, and for other purposes mentioned in this article; the said taxes to be designated as school taxes, and the fund thereof shall be kept a separate fund. Taxes for school purposes. School fund.

§ 2. The provisions and powers of the foregoing section shall not be construed to interfere with, in any manner, the common schools as established, maintained or supported in any school district or school districts which may include said city of Watseka, or portions thereof, until the city council shall elect, by ordinance, to assume the powers in said first section granted. Proviso.

§ 3. The city council shall have power, whenever they may deem it for the interest of said city, to provide by ordinance for the establishment of a high school or seminary in said city, and for that purpose they shall have power— High school.

First.—To purchase or receive donations or gifts of grounds for the erection of buildings for said high school. Donation of grounds, etc.

Second.—To receive gifts, donations or endowments for the erection of buildings, purchase of apparatus for teaching, library, or for the purpose of raising an annual interest for the payment of teachers. Donations.

Third.—To borrow money payable out of the high school fund and issue bonds therefor not exceeding six per cent. of the taxable property in said city: *Provided*, that no greater rate of interest than ten per cent. shall be paid therefor, nor that said bonds shall be disposed of by said city for less than their face. Said city shall not borrow money and issue bonds for a longer term than ten years, and when they shall have so borrowed money they shall annually levy and cause to be collected a sum sufficient to pay the interest thereon and to create a sinking fund, which shall be equal at the expiration of the time for which said money shall be borrowed, to a sum sufficient to pay the principal thereof. To borrow money. Proviso. Interest.

Fourth.—To levy and cause to be collected, taxes for the support and maintenance of such high school. Principal. Tax.

- School books, *Fifth.*—To regulate and determine the branches of learning to be taught therein and the books and apparatus to be used therein.
- Rules, *Sixth.*—To establish rules for the government of said school.
- Terms of tuition, *Seventh.*—To establish the terms and price of tuition therein: *Provided*, that scholars who are residents in good faith in said city and possessing the qualifications of scholarship, required and ascertained as said city council shall direct shall be admitted to tuition in said high school free of charge.
- Admission to scholarship, *Eighth.*—To regulate and provide the compensation or salary of teachers.
- Salaries, *Ninth.*—To provide and offer rewards, premiums or medals for advanced or extra scholarships, and to provide for the granting of diplomas.
- Premiums and diplomas, *Tenth.*—To appoint a board of visitors for said high school not exceeding five and to specify and prescribe their duties, and to make them examiners of the qualifications of applicants for admission into said high school.
- Board of visitors, *Eleventh.*—To direct that taxes and other moneys raised for any purpose herein provided, shall be paid to the city treasurer. Said fund shall be known as the high school fund and shall be kept separate and inviolable for any other purpose.
- High school fund.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

- Record of ordinances, § 1. There shall be kept by the city clerk a true record of all ordinances of said city which have been duly passed and published or posted as hereinbefore provided, and no ordinance shall be therein recorded unless the same has been so passed and published; he shall also record in said record all orders and resolutions adopted by said council, and such record shall be evidence in all courts and places.
- Record shall be evidence. Officers to, give bonds, § 2. The city council shall have power to require any officer of said corporation who shall have given bond for the faithful discharge of his duties, to give additional security when necessary; and may also require any such officer to give a bond for any special or particular fund that may come into his hands.
- Statement of finances, § 3. The city council shall cause to be published annually, either by posting the same in three of the most public places in said city, or by printing in some newspaper published in said city a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.
- Claims against the city, § 4. All claims against said city shall be audited by the common council, and all payments except the bonded in-

debtedness hereinbefore specified for high school purposes shall be made by order or warrant on the city treasury signed by the clerk and countersigned by the mayor, and all such orders or warrants shall be drawn on and payable out of the particular fund to which they are properly chargeable.

§ 5. Appeals shall be allowed in all cases arising under the provisions of this act or any ordinance in pursuance thereof, to the circuit court of the county of Iroquois: *Provided*, that all appeals from judgments, fines or penalties, shall be paid for and perfected within five days after the rendition of judgment. Appeals.
Proviso.

§ 6. In all prosecutions for any violation of this act or any ordinance in pursuance thereof, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases; but when any person shall be arrested on view, for the violation of the provisions of this act or of any ordinance of said city, and brought before the proper magistrate, trial may be had in a summary manner, and without complaint or process. And such summons, when issued by any justice of the peace, shall be, as near as may be, in the common statutory form, except as hereinbefore provided, and need not specify any form of action, but stating briefly the offence complained of. Summons.
Form of summons.

§ 7. The said city may appeal in all cases arising under any law of this state or the charter or ordinances of said city, without giving security; but in cases of appeal by the city, the mayor shall execute bond, under the seal of the city, without sureties. Appeals by the city.

§ 8. Transcripts of judgments arising under the charter or ordinances of the city, may be taken from the docket of magistrates, and filed in the office of the clerk of the circuit court of Iroquois county, and shall have the same force and effect as transcripts in other cases, and executions shall be issued thereon and collected, in like manner. This section shall be taken to include police magistrates, when elected in said city. Transcripts of judgments.

§ 9. Executions may issue immediately on rendition of judgment: *Provided*, that if a levy shall be made within five days of the rendition of the judgment, and the person or persons against whom the same shall be rendered, shall perfect an appeal, as hereinbefore provided, such appeal shall operate as a release of the property so levied upon. Executions.
Proviso.

§ 10. No fine or imprisonment imposed shall be remitted, except upon unanimous vote of the city council. Remission of fines.

§ 11. No person shall be an incompetent judge, justice of the peace, witness or juror in consequence of being an inhabitant or freeholder in said city, in any case where said city is a party in interest. Citizens not disqualified by being parties in interest.

§ 12. The city council may annually designate one public newspaper, printed in said city, and in which may be Public newspaper.

City printer.

Ordinances to remain in force

Police magistrate.

Jurisdiction.

Public act.

Powers of the city.

published all ordinances and other proceedings required in any case by this act, or any ordinance of said city, to be published in a public newspaper ; and such newspaper shall be the official newspaper of said city, and the printer thereof shall be the city printer.

§ 13. All ordinances, orders, rules, regulations or orders now in force in the said city of Watseka, and not inconsistent with this act, shall remain in force under this act until altered, modified, amended or repealed by the city council, after this act shall take effect.

§ 14. Whenever the city council shall deem it advisable to have a police magistrate elected for said city, they shall cause notice to be given, as required by this act for any general election, or may order a special election for the election of such police magistrate, and his jurisdiction, when so elected, commissioned and qualified, shall be concurrent with other justices of the peace, in all cases.

§ 15. This act shall be deemed a public act, and may be read in evidence, in all courts and places, without proof, and judicial notice shall be taken thereof in all courts and places.

§ 16. The said city shall have all the powers conferred on towns and cities by general statute, when the same shall not conflict with the provisions of this act.

§ 17. This act shall take effect and be in force from and after its passage.

APPROVED, February 19, 1867.

In force Feb. 23, 1867. AN ACT to authorize the city of Macomb to elect supervisors and other officers.

Limits.

Overseer of the poor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That after the taking effect of this act, the territory now or hereafter to be embraced within the limits of the city of Macomb, in McDonough county, in this state, shall not, for township purposes, be included within the jurisdiction either of the townships of Scotland, Chalmers, Emmett or Macomb.

§ 2. At the annual election of city officers in said city, there shall be elected one overseer of the poor, for said city, who shall have the same powers, rights and privileges, and perform the same duties, as overseers of the poor in townships in counties acting under township organization, but the accounts of such overseers of said city, instead of being audited by the township auditor, shall be audited by the common council of said city, and certified by them to the board of supervisors of said county, who shall cause an

order to be drawn on the treasurer of said county for the payment thereof.

§ 3. The real and personal property, subject to taxation within said city, shall be assessed by the city assessor, and all state and county taxes within the same shall be collected by the tax collector of said city, in the same manner and for the same compensation as assessments and collection of taxes are made in other townships in said county; said collector being required to give like bond as said township collector, which bond may be approved by either of the supervisors of said city. Taxes.

§ 4. Said city is hereby declared to be an election precinct for all general or special state or county elections, and the judges and clerks of such elections shall be appointed by the common council of said city, and said common council shall have power to divide said city into election precincts, but not exceeding one for each ward. Election precinct.

§ 5. At each annual election for city officers in said city, there shall be elected by the qualified voters thereof, one supervisor and one assistant supervisor for said city, each of whom shall possess all rights, powers and privileges of supervisors of the several townships in said county, and the common council of said city may divide said city into two districts, each of which shall be entitled to elect one supervisor, but in forming districts no ward shall be divided. Supervisor and assistant.

§ 6. No justice of the peace, constable or notary public shall be ousted of his office in consequence of the passage of this act, but in case of the death, resignation or removal of any justice of the peace, (police magistrate excepted), constable or notary public in said city, the vacancy occasioned by such death, resignation or removal, shall not be filled, unless such vacancy shall diminish the number of like officers to which said city shall be entitled: *Provided*, said city shall be entitled to as many justices of the peace as towns now are or hereafter may be. City officers

§ 7. At each election of police magistrates and city justices of the peace in said city, there shall be elected the like number of constables. Election of police magistrates.

§ 8. The city council shall have power to appoint, to fill all vacancies in the offices of supervisor, assistant supervisor and overseer of the poor. Vacancies.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

In force when
adopted by the
legal voters.

AN ACT to amend the charter of the city of Aurora.

Deposit of
building ma-
terials, etc.
Bonds.

Works in
streets and
alleys.

Contracts.

Levying ex-
penses.

Water privi-
leges.

Borrow money
and issue
bonds.

Taxes.

Loans to city
determined by
vote.

Gas works.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when the common council permits any person or persons on any street or alley, to deposit building material, such person or persons shall give a valid bond to the effect that he shall be liable for any damage occasioned by such occupancy.

§ 2. That when any work is let requiring the digging up of any street or alley, the contractor shall be required to put up barriers and lights, and that the contractor shall be liable for all damages arising from such digging.

§ 3. That when any work is let by contract, a bond shall be taken to keep the city harmless from any expense on account of granting such contract, or any damages that may result from the negligence of the contractor.

§ 4. The common council shall have power to cause the expenses of keeping the sidewalks in front of any unoccupied lot or premises, free from snow, ice, dirt or other obstruction, to be levied upon said lots or premises, and prescribe the manner of levying and collecting the same.

§ 5. The common council shall have power to purchase water privileges, sink artesian wells by pipes, and construct reservoirs for water for the extinguishment of fire and other purposes, and to lease and regulate the price thereof.

§ 6. The common council shall have power to borrow money and issue bonds not exceeding the sum of fifty thousand dollars, for the purposes mentioned in the preceding section, being section five hereof.

§ 7. The common council shall have power to levy a tax not exceeding two mills on the dollar in any one year, for the purpose of providing a sinking fund to pay the bonds and interest above provided for.

§ 8. The matter of the loan mentioned in the sixth section of this act, shall be submitted to a vote of the legal voters of the city of Aurora, before any bonds shall be issued, and the common council shall have power to submit the proposition for or against said loan, to a vote of the people at any time or times they shall think fit, upon giving ten days' notice of said election, the vote to be "for the loan" or "against the loan," the fate of said loan to be determined by a majority of those voting at any of said elections.

§ 9. That the common council shall have power to erect gas works, to purchase necessary lands for the same; to lay pipes and to do all that may be necessary to complete said works; to regulate the charges for selling gas or any other article produced by said works, and to borrow money and issue city bonds, to an amount not exceeding fifty thousand dollars for such purpose, the amount of the loan for said purpose to be submitted to the vote of the legal voters of the city.

§ 10. The common council shall have power to submit the proposition for or against a loan for the purposes mentioned in section nine of this act, to a vote of the people at such time or times as they shall see fit, upon giving ten days' notice of said election, the vote to be "for the loan to erect gas works," or against the loan to erect gas works," the fate of said loan to be determined by a majority of those voting at such elections.

Loans determined by vote.

Elections.

§ 11. That in assessments for improvements, of building sewers, drains, grading, opening, widening and extending streets and alleys, the same shall be made by assessing the benefits and damages on all property benefited or damaged by the same.

Assessments.

§ 12. That on receiving an application for the making of any improvements, the city surveyor shall investigate the same and report it to the common council, with an estimate, and a statement of how much is chargeable to real estate benefited, and how much to the general fund. The council may then order the work done, and in that order specify the amount to be assessed.

Investigation of application.

§ 13. That the city assessor shall not assess real or personal estate, at any less than its cash value. All personal property in the city shall be assessed whether the owners reside in the city or not.

Assessors' duties.

§ 14. That all resolutions or motions to appropriate money out of the city treasury, shall lay over to the next regular meeting, unless voted for by two-thirds of the aldermen composing the city council.

Motion to appropriate moneys.

§ 15. That no ordinance shall be finally adopted by the common council, until engrossed by the clerk, and approved by the city attorney.

Adoption of ordinances.

§ 16. The common council shall at the next city election or at a special election called for that purpose, by giving at least ten days' notice in the usual manner, submit the question of the adoption or rejection of this act, to a vote of the qualified electors of said city. The form of votes shall be "for amendments to city charter" or "against amendments to city charter," and if a majority of the votes so cast shall be "for amendments to the city charter," then this act shall become a law; otherwise it shall be void and of no effect.

Adoption of charter determined by vote.

Manner of voting.

APPROVED February 28, 1867.

AN ACT to incorporate the city of Murphysboro.

In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Murphysboro, in the county of*
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Name and style.	Jackson and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of the city of Murphysboro, and by that name shall have perpetual succession and may have and use a common seal, which they may alter and change at pleasure.
Seal.	
Boundaries.	§ 2. All that district of country inclosed within the following boundaries, to-wit: being in Jackson county state of Illinois, one and one-half miles square, the center of the present court house square, being the center of said city of Murphysboro.
	§ 3. Any tract of land adjoining said city, which may be hereafter laid out into town lots and duly recorded, shall be annexed to and form a part of the said city of Murphysboro.
Powers.	§ 4. The inhabitants of said city by the name and style aforesaid, shall have power to purchase and hold both real and personal estate in said city, and to purchase and hold real property beyond the limits of said city for burial grounds, for the use of the inhabitants of said city, and to sell, lease, convey and improve all property belonging to them, and do all things in relation thereto, as natural persons.
Council.	§ 5. There shall be a city council to consist of a mayor and board of aldermen.
Term.	§ 6. The board of aldermen shall consist of four members, to be chosen by the qualified voters of said city, and shall serve for one year.
Eligibility.	§ 7. The mayor shall be chosen by the qualified voters of said city, and shall hold his office for one year, and until his successor is elected and qualified. § 8. No person shall be a member of the city council who is not a resident freeholder of said city above the age of twenty-one years and a citizen of the United States, and a resident of the state of Illinois and said city, twelve months next preceding his election.
Vacancies.	§ 9. The city council shall fill all vacancies which may occur in said council by appointment.
Quorum.	§ 10. The city council shall be the judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and a majority shall constitute a quorum.
Officers appointed.	§ 11. The city council shall appoint a city clerk, treasurer, assessor, collector and street commissioner, who shall hold their offices at the pleasure of the city council.
Presiding officer.	§ 12. The mayor shall be the chief executive of the city; he shall preside at all meetings of the council, preserve order and direct the course of business before the council, and in case of any tie in the vote thereof, shall give the casting vote and shall be the head of the police and fire department, and shall appoint all marshals, policemen and officers of the fire department, and they shall be under his command.

§ 13. The mayor is hereby authorized to call on all the male inhabitants of said city, or county of Jackson, to aid in enforcing the laws of the state or the ordinances of the city, or in case of riot to call out the militia to suppress the same; and any person who shall not obey such call shall forfeit and pay to said city a fine of five dollars, to be collected as other fines. Said mayor shall have power to cause any of the officers of said city at any time to exhibit all their official books and papers; and shall have power to execute all duties that may be required of him by this act or any ordinance made in pursuance thereof.

Duties of mayor

§ 14. There shall be a police magistrate elected by the qualified voters of said city, who shall hold his office for four years and until his successor is elected and qualified.

Police magistrate.

§ 15. The mayor and police magistrate shall be commissioned by the Governor of the state, and shall hear and determine all violations of ordinances, and shall have concurrent jurisdiction and power with justices of the peace of the state of Illinois, to hear and determine all cases within their jurisdiction; and changes of venue may be taken from the police magistrate to the mayor, and from the mayor to the police magistrate; and appeals may be taken from their decision in the same manner as appeals are now taken from justices of the peace.

Commissioners.

Jurisdiction.

Change of venue

Appeals.

§ 16. The mayor and police magistrate shall each give a bond with security to the city, for the use of the inhabitants of said city, for the sum of one thousand dollars, conditioned for the faithful performance of their duties as such officers, which bond shall be approved by the city clerk, and be kept on file.

Bonds.

§ 17. The treasurer and collector shall give bond and security to the city council, conditioned for the faithful performance of their duties, in such sum as the council may by ordinance direct, to be approved by the city clerk.

Treasurer and collectors' bonds.

§ 18. The council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of its members, expel a member. A journal of the council's proceedings shall be kept, and the yeas and nays, when demanded by any member shall be entered on the journal.

Meetings.

Journal of proceedings.

§ 19. In case the mayor is unable to attend any meeting of the council on account of sickness or absence, the council shall appoint one of its members mayor *pro tem.*, who shall have the same power as the mayor, as far as relates to the ordinances and proceedings of said council.

Mayor pro tem.

§ 20. The clerk shall keep the corporate seal and all the books and papers belonging to the town. He shall attend all the meetings of the council, and keep a full record of its proceedings. Copies of all papers and ordinances filed in his office, and transcripts from the journal of the

Duties of clerk.

proceedings of the council, certified by him as clerk, shall be evidence in all courts and places without further proof thereof, and in like manner as if the originals were produced. The clerk shall draw all warrants on the treasury, as provided by ordinance, and keep an accurate account thereof in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures in such manner as the board may direct. He shall have power to administer any oath required to be taken by this act.

Duties of the treasurer.

§ 21. The treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the council may direct. All moneys shall be drawn from the city treasury in pursuance of an order of the council, by treasury warrant, signed by the clerk and countersigned by the mayor; and such warrant shall specify for what purpose the amount therein named is to be paid.

Exhibit of the books, papers, etc.

§ 22. The treasurer shall exhibit to the council, as often as they may require, a full and detailed account of all receipts and expenditures, the state of the treasury, and the state of each special fund therein, which account shall be filed in the office of the clerk; and on retiring from his office, the treasurer shall deposit his account books in the office of the clerk where they shall be kept as public records of the city.

Duties of assessor.

§ 23. The city assessor shall perform all duties in relation to the assessing of property, for the purpose of levying taxes imposed by the city council for municipal purposes. In the performance of his duties, he shall have the same powers as are or may hereafter be given by law to county and town assessors, and shall be subject to like restrictions and liabilities.

§ 24. The city collector shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be prescribed by ordinance.

Oath of office.

§ 25. All officers of the city, before entering upon the duties of their offices, shall take an oath to support the constitution of the United States and of the state of Illinois, and to diligently keep and enforce all ordinances of the city.

Compensation of officers.

§ 26. The city council shall have power from time to time, by ordinance, to fix the compensation, prescribe the duties of, and to require further and other duties of all officers elected or appointed under this act.

Police.

§ 27. The city council shall have power to appoint from time to time such police force as may be necessary for the enforcement of the laws and ordinances of the city; and all policemen appointed shall give bond to the city, for the use of the inhabitants thereof, in such sum as the city council may require, which bond shall be approved by the mayor, and filed in the office of the city clerk. Policemen appointed and qualified as aforesaid shall perform all such

duties as may be provided by ordinance; and they shall possess the same powers and perform the same duties within the limits of the city as constables in the different counties possess, and may serve any process issued under and by virtue of this act, or the ordinances and by laws of said city, at any place within the county of Jackson.

§ 28. There shall be a city attorney elected by the qualified voters of the city, who shall hold his office for one year, and whose duties and compensation shall be prescribed by ordinance. Attorney.;

§ 29. The inhabitants of said city, by the name and style of "The city of Murphysboro," shall have power to sue and be sued, to implead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatever; and prosecutions and suits at law shall be commenced and prosecuted in the name of the city of Murphysboro, for the use of the inhabitants thereof. Corporate powers.

§ 30. All suits for the recovery of any penalty or forfeiture under this act or the ordinances of the city, where the amount in controversy does not exceed one hundred dollars, may be brought before the mayor or police magistrate of said city, or before any justice of the peace of the county. Suits at law.

§ 31. In all prosecutions or suits brought by the city for the violation of any ordinance or police regulation, the said city shall be exempt from all court fees to the same extent as the state is by the laws thereof in criminal prosecutions. Exemption from fees.

§ 32. All white male inhabitants of the age of twenty-one years, being freeholders, and residents within the city, and all white male persons, citizens of the United States, of the age of twenty-one years, and who shall have been actual residents of said city for ninety days next preceding any election, shall be entitled to vote for city officers: *Provided*, that in case of the division of the city into two or more wards, as hereinafter provided, all voters possessing the aforesaid qualifications shall give their votes for city officers in the ward in which they respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering said vote shall have been an actual resident of the ward where the same is offered, for at least ten days next preceding such election. Qualified voters

§ 33. The first election for city officers shall be held at the court house in said city, on the second Monday in March, 1867. The clerk of the present board of trustees of the town of Murphysboro shall advertise said election by publishing notice of the same in some newspaper printed in said city, or by posting up written or printed notices of the same, in four of the most public places in said city, at least ten days previous to the time for holding the same. Two or more of the trustees of the present town of Murphysboro shall preside as judges of said election, who shall Election.
Place of,
Manner of holding.

appoint two suitable persons to act as clerks of the same. Said judges and clerks shall certify and return the result of said election in duplicate, one copy of which they shall file in the office of the county clerk of Jackson county, and the other of which they shall deliver to the mayor, upon his qualifying, to be filed in the office of the city clerk. They shall also give notice, without delay, to each person elected to any city office.

Time of,]

§ 34. On the second Monday in March, 1868, and on the same day annually thereafter, elections shall be held to fill the elective offices provided for by, or such as may hereafter be created under the provisions of this act. Such election shall be held at such place or places in the city, and in such manner as shall be provided by ordinance of the city council.

Wards,

§ 35. The city council shall have power to divide the city, by ordinance, into two or more wards, and fix and establish the boundaries of the same; to alter and change the boundaries of wards whenever the convenience of the citizens or interest of the city may require, making said wards as nearly equal in population as practicable; and the said city council shall have power, upon a division of the city into wards or at any time thereafter, to increase the representation in the city council, and each ward, upon a division of the city, shall be entitled to equal representation, and shall elect its own aldermen to represent it in the city council.

Paupers.

§ 36. The city of Murphysboro shall be and is hereby charged with the support and maintenance of its paupers and all expenses necessarily attending the same; and when any question shall arise between said city and the county of Jackson or any other county relative to the liability to keep and maintain any pauper or indigent person, such question shall be determined in the manner now provided by law for the determination of such questions between counties in this state. The city council shall make and prescribe, by ordinance, such rates and regulations as may be necessary to carry into effect the foregoing provisions; and the proceeds of all liquor and other licenses, for the granting of which power is vested in the city council, shall be paid into the city treasury, and the fund thereby created shall be under the absolute control of the city council.

Rules and regulations.

Street labor.

§ 37. All male inhabitants of said city over the age of twenty-one years, may be required to labor on the streets, lands, avenues and alleys, not exceeding three days in each and every year, under such penalty as may be prescribed by ordinance, and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the limits of the city.

School districts.

§ 38. The territory embraced within the city limits shall be separate and apart from all other territory for

school purposes, and the city council shall have power to divide the same into two or more school districts, and in all other respects schools shall be conducted in accordance with the general law of the state.

§ 39. In addition to the powers hereinbefore mentioned, the city council shall have power, by ordinance—

First.—To levy and collect, annually, taxes, not exceed- Taxes.
ing five mills to the dollar on the assessed value of all real and personal estate and property within the city, made taxable by the laws of the state; and, in its manner provide for the levy of assessments and collection of city taxes and assessments not inconsistent with the constitution of the state, and to alter and change any such provisions as it may, from time to time deem proper; to prescribe the form of the assessment lists, and to make such regulations in relation to revising, altering or adding thereto, as it may deem right and proper; all taxes and assessments, general and special, levied or accrued, under this act or any ordinance in pursuance hereof, shall be a lien on the real estate upon which the same may be imposed, levied or assessed, for two years from and after the assessment thereof, and on personal property from and after the delivery of the warrant of collection until paid.

Second.—To make any and all regulations necessary to General health.
secure, protect, preserve and restore the general health and to prevent the introduction of contagious diseases in the city; to make quarantine laws for that purpose and to enforce the same.

Third.—To appropriate and to provide for the debts and Debts.
expenses of the city.

Fourth.—To declare what shall be a nuisance, and to Nuisances.
prevent, abate and remove the same.

Fifth.—To provide the city with water, for the extin- Water.
guishment of fire and convenience of the inhabitants, in such manner as they may deem best.

Sixth.—To open, alter or abolish, widen, extend or estab- Street improve-
lish, grade, pave or otherwise improve and keep in repair, ments.
streets, avenues, lanes and alleys; to make, establish, build and contract sewers and to carry out a system of sewerage to drain the city, and to take private property for any of

said purposes, first making provision for ascertaining and Private proper-
payment of adequate and just compensation for all dama- ty taken.
ges to the owner of such property in such manner as the city council, by ordinance, may provide; and to require the owners of all lots or pieces of land to lay a good and substantial sidewalk along any street or alley passing such

lot or ground, in such manner as the board may provide. Sidewalks.
The expense of any improvement mentioned in the sixth division of this section, except sidewalks, shall be levied and assessed upon the real estate adjoining or benefited

thereby, with the cost of proceeding therein, in proportion, Expenses assessed.
Benefits

Costs and charges.	as nearly as may be, to the benefits resulting thereto, and shall be collected as in other cases. All owners or occupants, in front or upon whose premises the city council shall order and direct sidewalks or private drains communicating with any main drain, to be constructed, repaired, relaid or cleansed, shall make, relay or cleanse such sidewalk or drains, at their own costs and charges, in the manner and within the time prescribed by ordinance or otherwise, and if not done in the manner and within the time prescribed, the city council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, by an order to be entered in their proceedings, upon such lots, respectively, and collect the same as in other cases. The city council may provide, by ordinance, that suits may be instituted, in any court having jurisdiction, against the respective owners of any real estate for the recovery of the amount of the expenses and the cost of any special tax or assessment authorized by the sixth division of this section, and it then may be optional with the city council which remedy shall be pursued.
Collection of.	<i>Seventh.</i> —The city council shall make all necessary regulations in reference to keeping in repair all streets and alleys in said city, and to prohibit obstructions and nuisances from being placed therein.
Regulation enforcing pairs, etc.	<i>Eighth.</i> —To establish markets and market places and to provide for the regulation and government thereof.
Markets.	<i>Ninth.</i> —To provide for the erection of all needful buildings for the use of the city; to secure, tax and regulate auctions, merchants, tailors, groceries, taverns, hawkers, peddlers, brokers, pawn brokers and money changers, hacking carriages, wagons, carts and drays, and to fix the rates to be charged for the conveyance of persons and for wagonage, cartage and drayage of property.
Needful buildings.	<i>Tenth.</i> —To license and regulate porters, and fix the rates of portorage.
Merchants and tailors, etc.	<i>Eleventh.</i> —To license, tax and regulate theatrical and other exhibitions, shows and amusements.
Vehicles.	<i>Twelfth.</i> —To tax, restrain, prohibit and suppress tippling houses and dram shops; to prohibit and suppress gaming, gambling, gaming houses, bawdy houses and all disorderly houses.
Porters.	<i>Thirteenth.</i> —To license or entirely prohibit the sale of spirituous, vinous, mixed, malt or fermented liquors within the limits of the city, by any person or persons.
Exhibitions.	<i>Fourteenth.</i> —To provide for the prevention and extinguishment of fires; to organize, establish and support fire companies.
Disorderly houses.	<i>Fifteenth.</i> —To provide for the prevention and suppression of riots, unlawful assemblies and any disturbance of the public peace, and punish, by fine, all persons guilty thereof.
Liquor traffic.	
Fire department.	
Riots and disorders.	

Sixteenth.—To regulate the storage of gun powder, tar, pitch, rosin and other combustible materials; to compel the owner or occupant of any grocery, cellar, soap or tallow chandler, blacksmith, tannery, stable, slaughter house, distillery, brewery, sewer, privy or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants affected thereby.

Storage of combustibles.

Offensive establishments.

Seventeenth.—To erect and keep in repair all bridges within the limits of said city, except the county bridge across Big Muddy river.

Bridges.

Eighteenth.—To regulate the conduct of persons present at any fire in said city, and to provide for the punishing of any person for disobeying such regulations.

Conduct of persons at fires.

Nineteenth.—To regulate, establish and order party walls and partition fences.

Walls and fences.

Twentieth.—To regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance;

Fees of jurors.

to prohibit horse racing and immoderate riding or driving in the streets; to prohibit and punish the abuse of animals;

Riding and driving.

to restrain and punish vagrants and street beggars; to establish and regulate public pounds; to prohibit and restrain

Vagrants.

the running at large of horses, mules, cattle, sheep, swine and goats, and to authorize the distraining and impounding

Pounds.

and sale of the same for the costs of the proceedings and penalty incurred; to tax, regulate, restrain and prohibit

Animals at large

the running at large of dogs and to authorize their destruction,

Dogs.

when at large contrary to ordinance; to provide for the safety and convenience of the inhabitants and other persons

of the city, by prohibiting all acts, sports or amusements in the streets or public places of the town, of a dangerous character;

Sports.

to provide for the punishment of offenders by imprisonment in the county jail, and by requiring them to work on the streets of said city, in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them.

Punishment of offenders.

Twenty-first.—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinances, and provide for the recovery and appropriation

Police.

of such fines and forfeitures, and the enforcement of such penalties.

Twenty-second.—To license, regulate and suppress and restrain billiard tables, and from one to twenty pin alleys;

Billiards and ten pins.

to audit all accounts and claims against the city, and to require the auditor or claimant to verify his account or claim

Claims and accounts.

by his own oath or the oath of some other person.

Twenty-third.—To make all ordinances which shall in any wise be necessary and proper for carrying into execution the powers specified in this act, and to perform and enforce penalties for the violation thereof, so that such ordi-

Necessary ordinances.

nance be not repugnant to or inconsistent with the constitution of the United States or of this state.

Style of ordinances.

Twenty-fourth.—The style of the ordinances shall be—"Be it ordained by the city council of the city of Murphysboro," and all ordinances passed by the board shall, within one month after they shall have been passed, be published in some newspaper published in the town, if there be any; if not, by written copies being posted up in three several public places in said town.

Publication of ordinances.

Twenty-fifth.—All ordinances of the city may be proven by a copy thereof certified by the clerk and the corporate seal of the city attached, if there be one, and when printed or published in book or pamphlet form by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Liabilities and penalties of officers.

Twenty-sixth.—The mayor and board of aldermen, or any other officer of the city, shall be liable to indictment in any court of record in the county of Jackson, for receiving a bribe for the exercise of any official power, for palpable omission of duty, willful aggression or malconduct in the discharge of the duties of his office, and upon conviction shall be subject to a fine not exceeding one hundred dollars, and the court shall have power, upon the recommendation of the jury, to add as a part of the judgment that he be removed from office.

Fines and penalties.

Twenty-seventh.—All actions, rights, fines penalties and forfeitures in suits or otherwise, which may occur under this act, shall be vested in and prosecuted by the corporation hereby created.

Term of office.

Twenty-eighth.—All officers elected under and by virtue of this act shall hold, exercise and retain their several offices until their successors shall be duly elected and qualified.

Conservators of the peace, and their duties.

Twenty-ninth.—All officers of the city, mayor and aldermen included, are hereby created conservators of the peace by this act, and shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, and, if necessary, detain such person or persons in custody over night in the county jail, or other safe place; and shall have and exercise such other powers as conservators of the peace as the council may prescribe.

Thirtieth.—This act shall take effect and be in force from and after its passage, and shall be a public act.

APPROVED March 5, 1867.

AN ACT to amend an act entitled "An act to charter the city of Ottawa," In force May 5, 1867.
approved February 10, 1853.

CHAPTER I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of the city of Ottawa shall have power from time to time to cause sidewalks to be constructed, laid, re-laid, cleansed and repaired.

§ 2. Whenever any application shall be made to the city council for the construction, reconstruction or repairing of any sidewalks in said city, the city council shall refer such application either to the street and alley committee of said council, or to a special committee of three, to be chosen by said city council from the members thereof. Said committee shall view the premises where said sidewalk is proposed to be constructed, reconstructed or repaired, and if they determine that such improvement is necessary and proper, they shall report the same in writing to the city council. If they do not approve of such application, they shall report their reasons for such disapproval, and the city council may, in either case, if they see fit, order the construction, reconstruction or repairing (as the case may be) of such sidewalk.

§ 3. The city council shall, if they order the construction, reconstruction or repairing of any sidewalk, provide in said order that the lot owners fronting and abutting upon said sidewalk shall have thirty days from and after a given day to be named in such order, (such day not to be less than ten days after the publication of such order,) in which to build such sidewalk in front of their respective lots. Such order may be substantially in the following form :

It is hereby ordered by the city council of the city of Ottawa, that a sidewalk be constructed, or reconstructed, or repaired, (as the case may be,) on the — side of — street, in front of (here describe the lots, lands or blocks,) in accordance with the grade heretofore established for such sidewalk, and in accordance of the ordinances of said city respecting sidewalks. And it is hereby further ordered, that the owners of the lots fronting upon said sidewalk be required to construct, reconstruct or repair, (as the case may be,) the sidewalk fronting upon their respective lots or parts of lots in accordance with this order, within thirty days from and after the — day of —, A. D. —; and that on failure of any or all of said lot owners to construct, reconstruct or repair the same within thirty days, the city council will cause the same to be constructed, reconstructed or repaired, (as the case may be,) and will levy a special assessment on the real estate

deemed benefited thereby, to defray the expenses of said improvement and the cost of the proceedings therein.

§ 4. The city clerk shall cause such order to be published in the corporation newspaper, which said publication of said order shall be deemed a sufficient notice to the owners of lots fronting on said sidewalks to comply with said order.

§ 5. If at the expiration of said thirty days, any part of said sidewalk shall not have been constructed, reconstructed or repaired, (as the case may be,) the city council shall cause the expenses of constructing the same to be estimated, and shall assess the sum so estimated upon the real estate in the division of the city benefited thereby, to defray the expense of such improvement. The cost of the proceedings in making such assessment shall be included in such assessment.

§ 6. Such assessment shall be made and collected in the same manner as now provided in chapter eight of the act to which this is an amendment, and the laws of this state for making assessments to defray the expenses of other improvements mentioned in said chapter eight.

§ 7. After such assessment has been made, and confirmed by said city council, said city council shall cause such sidewalk to be constructed, reconstructed or repaired, (as the case may be,) and pay the same from the proceeds of such assessment, when collected.

§ 8. The city council are hereby authorized and empowered to pass all ordinances, resolutions and orders necessary to carry this act into effect.

§ 9. All acts in relation to the construction of sidewalks in the city of Ottawa, inconsistent with this act, are hereby repealed.

CHAPTER II.

§ 1. When the bonds now held against the city of Ottawa shall become due, the city council of said city are hereby authorized to cause other bonds, for the same sum or sums, and on the same terms, and for such time as the city council may deem proper to be issued, and delivered to the holders of said bonds in lieu of the bonds now held against said city. And the city council are hereby authorized, in addition to the taxes now authorized to be levied and collected by said city, to levy and collect in the same manner, and at the same time other city taxes are levied and collected, a tax not exceeding two mills on each dollar of the assessed value of the real and personal property in said city. Said tax, when collected, to be paid to the city treasurer, and by him to be kept as a separate fund, to pay off the bonds so held against said city. Said separate fund may be invested in bonds of the United States or of this state.

APPROVED March 5, 1867.

AN ACT to amend the charter the city of Rock Island.

In force March
3, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the City council of the city of Rock Island shall have power to locate and designate the boundaries of grounds for depot and other railroad purposes within said city, and on the petition of any railroad company, whose road runs into said city, to vacate in whole or in part any depot grounds established therein; and also to locate and establish for said company new or additional depot grounds as the wants of said company may seem to require; and said city council shall also have power by ordinance to provide for the vacation of such streets, alleys, public grounds, or parts thereof, as may be within the boundaries aforesaid, and as in the judgment of said council may be necessary and proper for the depot and other railroad purposes aforesaid: *Provided, however,* that such vacation shall only take effect when the railroad company for which such location may be made shall have acquired title to all the private property within the boundaries aforesaid, and obtained the consent of the proprietor of all the lands and lots (if any such there are,) abutting on the part or parts of any street, alley or public ground to be so vacated; and when said location shall be made as aforesaid, the railroad company for whose use said depot grounds shall be located as aforesaid, shall have the right by purchase or by condemnation, under the provisions of its charter, or in the manner and upon the principles provided in "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, 1855, to acquire title to all the private property within the boundaries designated by said city council as aforesaid.

Vacation of
grounds.

Establish addi-
tional depots.

Railroad rights
by purchase.

§ 2. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED March 3, 1867.

AN ACT to amend an act entitled "An act to charter the city of La Salle," approved June 23, 1852, and an act amendatory thereof, approved Feb. 18, 1857.

In force March
5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundaries of the city of La Salle, be and the same are hereby so changed and established as to include within their limits, all the lands or district of country described as follows, and no more, to-wit: all of section number fifteen

Boundaries
changed.

(15,) in township number thirty-three (33,) north of range number one (1,) east of the third principal meridian, in the county of La Salle, also all that portion of the south half of section number fourteen (14,) in same township and range which lies north of the south bank or tow path of the Illinois and Michigan canal; also all those portions of the northwest quarter of said section fourteen (14,) and of the southwest quarter of section number eleven (11,) in same township and range which lie west of the bed of the Little Vermilion river, also the south half of section number ten (10,) in the same township and range, and the southeast quarter of the southwest quarter of the northeast quarter of said section number ten (10).

Question of
change sub-
mitted to a
vote.

§ 2. The question of a change of the boundaries of said city of La Salle, shall be submitted to a vote of the qualified electors of said city, at the next municipal election in said city for the mayor thereof; the ballots cast at said election to have written or printed thereon the words "for change of boundaries" or the words "against change of boundaries" and if a majority of the ballots cast at said election shall have written or printed thereon, the words "against change of boundaries," then the boundaries of said city shall remain unchanged; otherwise, said boundaries shall be changed and established in accordance with the provisions of this act.

Conflicting acts
repealed.

§ 3. All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March
5, 1867.

AN ACT supplemental to an act entitled "An act to reduce the charter of the city of Cairo, and the several acts amendatory thereof, into one act and to revise the same."

Construction of
act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That nothing in the act to which this is a supplement contained, shall be so construed as to invalidate any notice heretofore given by the city of Cairo, to the owners of property situated therein, requiring the construction of sidewalks, or the filling and grading of streets, fronting or bounding upon said property.*

Interest on
sums borrowed

§ 2. That the interest on the aggregate of all sums borrowed and outstanding shall never exceed the interest fund created by said act: *Provided*, this restriction shall

not apply to nor invalidate the issue of bonds to railroad companies under the general laws of this state.

§ 3. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to amend the charter of the city of Sterling.

In force when
adopted by the
legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled, "An act to charter the city of Sterling," approved February 16, 1857, and the several acts amendatory thereof, be and the same are hereby amended and reduced into one act, so as to read as follows :

Act approved
February 16,
1857, amended,

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of that part of the town of Sterling, hereinafter described, in the county of Whiteside, in the state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Sterling," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style
Seal.

§ 2. All that district of country embraced in the platted town of Sterling, in said county, including the several additions thereto, as now platted and recorded in the office of the recorder of said county, and also including all that part of the southwest quarter of section twenty-two, in township twenty-one, range seven east of the fourth principal meridian, lying west of Broadway, in said town of Sterling, and north of the track as at present located, of the Chicago and Northwestern Railway company, and their right of way is hereby declared to be within the boundaries of the said city of Sterling.

Boundaries.

§ 3. Whenever any tract of land adjoining the said city of Sterling, shall be laid off into town lots, platted and duly recorded, as now required by law, the same shall be thereby annexed to and form a part of said city of Sterling.

Additions.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and to be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; to purchase receive and hold property, real and personal, in said city;

Corporate powers.

to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

- Council.** § 1. There shall be a city council, to consist of a mayor and board of aldermen.
- Aldermen.** § 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters thereof, for two years and until others shall be duly elected and qualified.
- Qualified members.** § 3. No person shall be alderman unless at the time of his election he shall have resided six months within the city limits, and shall be at the time of his election, a resident of the ward for which he may be elected, and of the age of twenty-one years, and a citizen of the United States.
- Vacation of office.** § 4. If any alderman shall, after his election, remove from the ward for which he was elected, his office shall thereby be vacated.
- Division and classification of.** § 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes, the seats of those of the first class, shall be vacated at the expiration of the first year, and of the second class, at the expiration of the second year, so that one alderman shall be elected from each ward annually.
- Election returns.** § 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.
- Quorum.** § 7. A majority of the board of aldermen shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.
- Absentees.**
- Rules of proceedings.** § 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.
- Journal of.** § 9. The city council shall keep a journal of its proceedings, and, from time to time, publish the same in some newspaper published in said city, to be designated by resolution of the city council as the corporation newspaper; and the yeas and nays, when demanded by any member present, shall be entered on the journal of proceedings.
- Not to be appointed to other offices.** § 10. No alderman shall be appointed to any office under the authority of the city which shall have been created

or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

§ 12. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath or make affirmation that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities. Oath of office.

§ 13. Whenever there shall be a tie in the election of aldermen the judges of the election shall certify the same to the common council, who shall determine the same, by lot, in such manner as shall be provided by ordinances. Ties.

§ 14. There shall be twelve stated meetings of the city council in each year at such times and places as may be prescribed by ordinance. Stated meetings.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICE.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States. Eligibility.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city or shall be absent from the city for the space of six months, his office shall thereby be vacated. Vacation of office.

§ 4. When two or more persons shall have an equal number of votes for mayor, the city council shall proceed to choose the mayor, by lot, in such manner as may be provided by ordinance. Ties.

§ 5. Whenever any vacancy shall happen in the office of mayor it shall be filled by election. Vacancy.

ARTICLE IV.

OF ELECTIONS.

§ 1. On the first Monday of April, A. D. 1857, an election shall be held in each ward of said city for one mayor of said city, one marshal, one police justice, one treasurer, one street commissioner, for said city, and two aldermen for each ward; and forever thereafter, on the first Monday of April in each year, there shall be an election held in each ward of said city for one mayor of said city, one marshal, Election of officers.

one treasurer, and one alderman of each ward, and, on the first Monday of April of every fourth year, there shall be an election for one police justice for said city; and the several persons so elected shall hold their several offices until their successors are elected and qualified, as herein provided.

Manner of conducting.

§ 2. The time and manner of opening, conducting and closing said elections, and the several liabilities appertaining to the judges and clerks, and to the voters, separately and collectively, shall be the same as prescribed by the general election laws of this state, so far as applicable, subject to the provisions of this act.

Returns of.

§ 3. As soon as practicable after the said election shall have been closed the said clerks of the election shall return their respective poll books, under seal, to the office of the clerk of said city, whereupon the said common council shall proceed to canvass said votes and certify the election of the several persons receiving the highest number of votes for the respective offices hereinbefore named and provided for. The clerk of said city shall, immediately thereafter, certify to the county clerk of the said county of Whiteside the election of mayor and police justice. The county clerk of said county shall, thereupon, certify the election of the said mayor and of the said police justice to the governor of this state, in the same manner as now directed to be done for other justices of the peace elected for the county.

Canvassing the vote.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Taxes.

§ 1. The city council shall have power and authority to levy and collect taxes for city purposes upon all property, real and personal, within the limits of the city, not exceeding one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state. Said city council may, however, levy and collect a tax for city purposes greater than one per cent.: *Provided*, that the same be done with the consent of a majority of the legal voters of said city voting at a general or special election ordered for such purpose.

Appointment of officers.

§ 2. The city council shall have power to appoint a clerk, attorney, one street commissioner, and all such other officers as may be necessary, and for the election of which no provision is made by this act, who shall hold their offices for such time and upon such conditions as said city council shall designate by ordinance: *Provided*, that no such appointment shall be good for longer period than one year: *And, provided further*, that the term of office of any person so appointed shall in all cases cease on the first day of

May succeeding his appointment, or until his successor is appointed.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter to give bonds, with penalty and security, for the faithful performance of their respective duties, in such sums as may be deemed expedient, and also, to require all officers of said city to take an oath or make affirmation for the faithful performance of the duties of their respective offices before entering upon the discharge of the same; to borrow money on the credit of the city, and issue bonds therefor: *Provided*, that no sum or sums of money shall be borrowed at a greater interest or discount than ten per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real and personal property within the limits of the city.

Bonds.

Oath of office.

Proviso.

§ 4. To appropriate money provided for the payment of the debts and expenses of the city.

Appropriations.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, and to enforce the same within three miles of the city.

Contagious diseases.

§ 6. To establish hospitals and make regulations for the government of the same.

Hospitals.

§ 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

General health.
Nuisances.

§ 8. To provide the city with water, to erect hydrants and pumps in the streets, for the convenience of the inhabitants.

§ 9. To open, alter and abolish, widen, extend, establish, grade, pave, macadamize, or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.

Improve streets and alleys.

§ 10. To establish, erect and repair bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

§ 12. To provide for lighting the streets and erecting lamp posts.

Lights and lamps.

§ 13. To establish, support and regulate night watches.

Night watches.

§ 14. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

Markets.

§ 15. To provide for the erection of all needful buildings for the use of the city.

Buildings.

§ 16. To provide for inclosing, improving and regulating all public grounds belonging to the city.

Public grounds.

§ 17. To license, tax and regulate auctioneers, merchants, retailers, hawkers, peddlers, pawnbrokers and hotel keepers.

Merchants, peddlers, etc.

- Vehicles.** § 18. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate to be charged for the carriage, and for the wagonage, cartage or drayage of property.
- Porters.** § 19. To license and regulate porters, and fix the rate of portorage.
- Exhibitions.** § 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Tippling houses** § 21. To restrain, prohibit and suppress tippling houses, dram shops, and the vending of spirituous, vinous and malt liquors.
- Gaming houses.** § 22. To prohibit and suppress gaming, bawdy and disorderly houses.
- Fire department.** § 23. To provide for the extinguishment of fires; to organize and establish a fire department, with the necessary officers, and to organize and equip fire companies.
- Wooden buildings.** § 24. To regulate or prohibit the erection of wooden buildings in any part of the city.
- Chimneys and flues.** § 25. To regulate the fixing of chimneys, and to fix chimney flues.
- Combustibles.** § 26. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- Walls and fences.** § 27. To regulate and order parapet walls and partition fences.
- Weights and measures.** § 28. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not otherwise provided for by law.
- Lumber.** § 29. To provide for the inspection of lumber and other building materials, and for the measurement of all mechanical work.
- Forage and fuel.** § 30. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire wood and other fuel, to be used and sold in the city.
- § 31. To regulate the inspection of beef, pork, flour, meal and grain.
- Provisions.** § 32. To regulate the inspection of butter, lard, cheese, and other provisions.
- Bread.** § 33. To regulate the weight, quality and price of bread, to be sold in the city.
- Bricks.** § 34. To regulate the size of bricks, to be used or sold in the city.
- Census.** § 35. To provide for taking enumerations of the inhabitants of the city.
- Elections.** § 36. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance and appointed by the city council.
- § 37. To fix [the] compensation of all city officers.
- Police.** § 38. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance,

and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

§ 39. The city council shall have power within the city, by ordinance, to license, restrain and suppress billiard tables and ball alleys and other games of chance or skill, for which any charge or compensation is asked or paid. Billiards, ten pins, etc.

§ 40. To regulate, restrain and prohibit the running at large of horses, cattle, sheep, hogs, dogs and other animals. Animals at large

§ 41. All moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city and disposed of by the city council, under the ordinances of said city, for the general use and benefit of the inhabitants thereof. Disposition of moneys.

§ 42. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act. Necessary ordinances.

§ 43. To license, regulate or prohibit the sale of spirituous, vinous, malt or intoxicating liquors within the limits of the city. Liquor traffic.

§ 44. The style of the city ordinances shall be, "Be it ordained by the city council of the city of Sterling." Style of ordinances.

§ 45. All ordinances passed by the city council shall, within twenty days after they shall have been passed, be published in the corporation paper, and shall not be in force until they shall have been published as aforesaid. Publication of ordinances.

§ 46. All ordinances of the city may be proved by the seal of the corporation, and, when printed or published in book or pamphlet form and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Proof of ordinances.

§ 47. The clerk of said city shall record all ordinances, resolutions and orders passed by the said city council and in force, in a record book provided for such purpose, with complete indexes; and the said book or transcripts of the same duly certified by said clerk, under the seal of said city, shall be received in evidence in all courts and places, the same as if the originals were produced and without further proof. Evidence.

ARTICLE VI.

OF THE MAYOR.

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman who shall preside at their meetings. Presiding officer.

§ 2. The mayor or any two aldermen may call special meetings of the city council. Special meetings.

- Duties of mayor** § 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.
- Inhabitants to aid in enforcing laws.** § 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of riot, to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the said city a fine, not exceeding fifty dollars.
- Exhibit of books.** § 5. He shall have power, whenever he may deem it necessary, to require of any officer of the said city an exhibit of his books and papers.
- Execute all acts.** § 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.
- Official powers of mayor.** § 7. He shall be commissioned by the governor as mayor of the city, and, as such, shall be a conservator of the peace in said city, and shall have power and authority to administer oaths, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law, and receive the same fee for such services as the county clerk for similar services.
- Jurisdiction.** § 8. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within three miles of the boundaries of the city, for the purpose of enforcing the health ordinance and regulation thereof.
- Salary.** § 9. He shall receive for his services such salary as shall be fixed by an ordinance of the city.
- Penalties for mal-conduct.** § 10. In case the mayor shall at any time, be guilty of a palpable omission of duty or shall willfully and corruptly be guilty of oppression, misconduct or partiality in discharge of the duties of his office, he shall be liable to be indicted in the circuit court of said Whiteside county, and, on conviction, he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the city shall make a just compensation therefor to the person whose property is taken, and, if the amount of such compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

Taking private property for public purposes.

§ 2. When the owners of all the property on that portion of any street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance, but no compensation in such case shall be made to those whose property shall be taken for the opening, widening or altering such street, avenue or alley; nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Petitions for opening streets, etc.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

Inquests, etc.

§ 4. In ascertaining the amount of compensation for property taken for opening and widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

Benefits and injury.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause new inquest to be made.

New inquests.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, or part of any street, lane, avenue or alley owned by them, for the purpose of paving, grading, planking, macadamizing, walling or otherwise improving any sidewalk, street, lane, avenue or alley, or portion of the same; which tax may be collected in the same manner as other city taxes, or the said city council may, by ordinance, provide for the collection, and may enforce the payment of the same, in any manner not repugnant to the constitution and laws of the United States or of this state.

Special taxes.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

Exemption
from road
labor.

§ 1. The inhabitants of the city of Sterling are hereby exempted from working on any road beyond the limits of the city and from paying any tax to procure laborers to work on the same: *Provided*, that the city council may cause one-fourth of the labor tax to be laid out on roads leading into said city, and may expend a portion of the city tax upon the same, not to exceed one-fourth of the amount annually assessed.

Street labor.

§ 2. The city council shall have power, for the purpose of keeping the streets, sidewalks, lanes, avenues and alleys in repair, to require every male inhabitant of said city, between the ages of twenty-one and fifty years of age, to labor on said streets, lanes, avenues and alleys, not exceeding four days in each and every year; and any person failing to perform such labor, when duly notified by the street commissioner or those acting under him, shall forfeit and pay the sum of one dollar for every day so neglected or refused.

Jail.

§ 3. The common council of said city shall have power, and they are hereby authorized to provide and maintain, a city jail or lock up, for the use of said city; and shall have power to provide by ordinance, for the punishment of offenders, by imprisonment therein, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recorded against them, as hereinafter provided.

Annual finan-
cial statement.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the city council during the preceding year, and on what account received and expended.

Suits at law.

§ 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the "City of Sterling."

Appeals.

§ 6. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of said Whiteside county; and every such appeal shall be taken and granted in the same manner and with like effect, as appeals are taken from and granted by justices of the peace to the circuit court, under the laws of this state.

Vacation of of-
fice of mayor.

§ 7. When the mayor shall absent himself from the city, or shall resign, or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem.*, until the office shall be filled by election, as herein provided.

Mayor pro tem.

§ 8. The police justice, elected in pursuance of the provisions of this act, shall be commissioned by the governor as a justice of the peace for said city, and, as such, shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing. He shall have jurisdiction in all cases arising under ordinances of the city, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the county of Whiteside aforesaid, arising under the laws of this state, and shall receive the same fees and compensation for his services as other justices of the peace of the county.

Police justice.

How commissioned.

Official powers.

Jurisdiction.

§ 9. The city marshal, or any constables of the said town of Sterling, shall be authorized and have power to execute, anywhere within the county of Whiteside, all processes issued by the said police justice of said city or other magistrates within said city; and the said marshal and constables shall have power to do all acts that constables may do, and shall receive such fees as are allowed to constables in similar cases; and said marshal shall give bond as constables are required by law to give, which bond shall be filed in the office of the county clerk.

Duties and powers of marshal.

§ 10. All actions brought to recover any penalty or forfeiture under this act or any ordinance, by-law or police regulations made in pursuance thereof, shall be brought in the corporate name of the said city; and it shall be lawful to declare, generally, in debt for such penalty, fine or forfeiture, stating the clause or section of this act, by-law, ordinance or police regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Actions for the recovery of fines and penalties, etc.

§ 11. The city marshal, and such other officers as may be authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of the city, commit for examination, and, if necessary, to detain such person in custody over night, or the Sabbath, or until he can be brought before a magistrate; and shall have and exercise such other powers, as conservators of the peace, as the city may prescribe.

Arrests of malefactors.

§ 12. In all proceedings for any violations of any ordinance, by-law or other regulations of said city, the first process shall be by summons, unless oath or affirmation be made for a warrant, as hereinafter provided.

Summons.

§ 13. In any action to be brought for the recovery of any penalty incurred under this act or the act to which this is an amendment, or any ordinance, by-law or police regulation made in pursuance of such acts, if oath or affirmation shall be made and filed with the justice having jurisdiction of such offences, that said defendant is a non-resident

Justices' duties in actions for recovery of fines, etc.

of the county of Whiteside, or that whatever judgment may be obtained against such offender will be in danger of being lost, stating the cause of such danger, so as to satisfy the justice that there is reason to apprehend such loss, the justice shall issue a warrant for the arrest of such offender; which warrant may be in the same form, and the proceedings thereon conducted in the same manner and with the same effect, as to principal and security, as nearly as the case will admit of, as the warrant and proceedings provided for in sections twenty-two and twenty-three of chapter fifty-nine of the Revised Statutes, entitled "Justices of the Peace and Constables."

Executions.

§ 14. In any action commenced by the city for the recovery of any penalty as aforesaid, execution may issue immediately on the rendition of judgment against the defendant, which execution may require the said defendant to be imprisoned in close custody in the city jail or lock up, one day for each fifty cents of such judgment and costs, in case the said defendants do not pay or turn out property to secure such judgment; and in such case the officer having such execution, shall forthwith arrest and imprison such offender, according to the mandate of such writ or execution.

Incompetent.

§ 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of the said city of Sterling, in any action or proceeding in which said city is a party in interest; and the said city of Sterling shall not be required to give security for costs on the institution of any suit commenced under the provisions of this act or of the act to which this is an amendment or under any ordinance, by-law or police regulation made in pursuance thereof.

Security for costs.

Town and concurrent jurisdiction.

§ 16. The common council of said city shall have power to designate one or more justices of the said town of Sterling, who shall have concurrent jurisdiction with the police justice of said city in any action or proceeding for the recovery of any fine or penalty accruing under this act, or the act to which this is amendatory, or under any ordinance, by-law or police regulation made in pursuance thereof.

Evidence of legal publication of act.

§ 17. The affidavit of the printer or publisher of any newspaper in which any ordinance shall be published, as required by this act, taken before any officer authorized to administer oath, and filed with the city clerk, shall be conclusive evidence of the legal publication of such ordinance in all courts and places.

Railroad tracks, bridges, etc.

§ 18. The city council shall have power to direct and control the laying and constructing of railroad track, bridges, turn outs and switches in the streets and alleys and the location of depot grounds within the city; to require that railroad tracks, bridges, turn outs and switches, shall be so constructed and laid as to interfere as little as possible with ordinary travel and use of the streets and alleys, and that

sufficient space shall be left on either side of said track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which the tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets, alleys and ditches, sewers and culverts, when the city council shall deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines within the city. The city council shall have power to provide, by ordinance, that all taxes levied, assessed and collected under and by virtue of the provisions of this act, shall be assessed and collected by the same assessor and collector, whose duty it shall be by general law to assess and collect the state and county tax for township twenty-one north, of range seven east, north of Rock river, in said Whiteside county. If said city council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court, on or before the first day of September of each year, of the rate per cent. of the taxation levied by them for city purposes for said year; and it shall thereupon be the duty of the county clerk to carry out each and extend said tax upon the books of the collector, in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer, whether resident or non-resident, owning property in said city; and said city tax shall be collected in every respect and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Any court which shall render judgment in said Whiteside county, against lands and lots in said city for non-payment of taxes due the state and county, shall, at the same time, include in the same judgment any and all taxes which may be due said city on any such property, for his services in carrying out, adding and extending said tax in the books of the collector. Said county clerk shall receive one-half cent for each lot or tract, and one-half cent on each person's name assessed for personal property, to be paid out of said city tax, when collected. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable on his official bond for the payment of all such city tax by him collected; the fees of the collector to be paid out of the taxes, when collected.

Provision for
levying and
collecting
taxes.

§ 19. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity without proof, and shall be submitted to a vote of the legal voters of said town at the next general election, and, if ratified by a majority of said voters, then this act shall be in full force from and after such ratification, otherwise to be void

Evidence and
proof of act.

Adoption to
determined
vote, etc.

and of no effect; said election to be conducted in conformity with the general laws of election now in force in this state.

APPROVED March 5, 1867.

In force March 6, 1867. AN ACT in amendment of, and supplementary to an act entitled, "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," approved February 13, 1863, and the act amendatory thereof, approved February 15, 1863.

Change of dock lines, etc. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The common council of the city of Chicago shall have power to establish or change the dock lines of Chicago river and of Chicago harbor so as to facilitate navigation on the same; to cause lamp posts to be erected upon any of the streets of said city, and to cause water and gas service pipes, with their necessary stop cocks and other fixtures, to be constructed and laid so as to connect with the gas or water mains in the streets of said city.

Application of provision of act. § 2. The provisions of the acts to which this is supplementary and amendatory, as to the manner of making application for any improvement to be executed by said city, are hereby made to apply to the improvements specified in the foregoing section.

Applications for improvements. Duty of board therein. § 3. Upon receiving an application for the making of any improvement, the doing of which is within the discretion and control of the municipal government of said city, excepting sewers and main water pipes, the said board shall proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with a statement of the expense thereof, and a proper ordinance or order directing the work, and shall in such estimate specify how much of said expense, in their opinion, may be properly chargeable to real estate especially benefited by such improvement, and how much thereof may be properly chargeable to and paid out of the general fund or out of the proceeds of any general tax authorized to be levied by said city. Having reported on such application, and recommending that the improvement be made, or disapproving of the doing of it, as is provided for in the above mentioned act, the common council may then, in either case, order the doing of such work or the making of such public improvement, after having first obtained from said board an estimate of the expense thereof, and in such order specify what amount of said estimated expense shall be assessed upon the property deemed specially benefited, and what amount

shall be chargeable to and be paid in of the proceeds of the general fund or out of the proceeds of any general tax authorized to be levied by said city.

§ 4. Whenever any order shall be passed by the common council of said city, pursuant to the authority conferred by chapter seven of the act of 1863, of which this is an amendment, for the filling, leveling, grading, paving, curbing, walling, graveling, macadamizing, planking or repairing of any street, lane, alley or highway, or for the construction, reconstruction, laying or relaying of any sidewalk or any private drain, or for the making of any public improvements, on account of which authority is given by said chapter seven (7) to levy a special assessment, (excepting sewers and main water pipes); or whenever any such order shall be so passed for the establishing or changing the dock lines of Chicago river or of Chicago harbor, or for the laying of gas or water service pipes, or for the erection of lamp posts upon any of the streets of said city, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the common council to be assessed for that purpose, with the costs of the proceedings therein, upon the real estate by them deemed specially benefited by any such improvement in proportion, as nearly as may be, to the benefit resulting thereto. The assessment in such cases shall be made and returned, and may be confirmed and collected in the manner provided by chapter seven of the act above mentioned, so far as the provisions of said chapter are applicable, and, excepting in cases where such order of council shall require the appropriation or condemnation of any land or real estate, according to the provisions of sections twenty-three and twenty-four of said chapter.

Special assessments for improvements.

§ 5. Under the provisions of section 34 of chapter V of the act of which this is supplementary, approved Feb. 13th, 1863, the common council is hereby authorized, in the event that any improvement shall be ordered after the making of the annual appropriation, some portion of the expense of which shall be assessed by the commissioners of the board of public works, on some lot or lots of land owned by said city, to appropriate and borrow money for the payment of such assessments, as is provided for [in] other cases enumerated in said section.

Appropriation for payment of assessments.

§ 6. Upon the passage of any order referred to in the fourth section of this act, the board of public works may, in their discretion, cause said improvement to be made and paid for out of any moneys in the treasury at their disposal, and afterwards cause the expense thereof, together with all costs, to be reimbursed by a special assessment, to be levied and collected as in other cases.

Special assessments for costs

§ 7. Section thirty-nine of chapter seven of the act of 1863, of which this is amendatory, is hereby amended by

Section 39 of chapter 7, of act of 1863, amended.

striking out therefrom the words "of all improvements at the intersection of streets or alleys or of streets and alleys (excepting sidewalks and area or street walls)."

Sections 1, 3 and 5, of act approved Feb'y 15, 1865, repealed.

§ 8. Sections one, three and five of the act approved February 15, 1865, in amendment of said act approved February 13, 1863, are hereby repealed.

§ 9. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED March 6, 1867.

In force March 7, 1867.

AN ACT to amend the city charter of the city of Kankakee.

Corporate limits and jurisdiction.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city charter of the city of Kankakee be amended so that from and after the passage of this act, section second of chapter first shall read as follows:

"The corporate limits and jurisdiction of the city of Kankakee shall embrace and include within its boundaries the following territory, viz: Commencing at a point thirteen (13) chains and fifty (50) links east of the north west corner of the Washington Bourbonais reservation, running thence east along the north line of said reservation, and along the north line of the Manteno reservation, to the north east corner of said Manteno reservation, and thence east along the north line of section thirty-three (33), town thirty-one (31), range twelve (12) east, to a point sixteen (16) chains and twenty-five (25) links east from the north east corner of said Manteno reservation, thence south in a line parallel with the Manteno reservation, eighty (80) chains to the south line of said section thirty-three (33) and to the north east corner of the Catish Bourbonais reservation, in town thirty (30), range thirteen (13) west of the second (2d) principal meridian, thence south seventy-one (71) chains and forty-six (46) links, to the north line of section nine (9), town thirty (30), range thirteen (13) west second (2d) principal meridian, thence west through the Catish Bourbonais reservation to the north easterly bank of the Kankakee river, thence across the Kankakee river to intersect the section line between section five (5) and section eight (8), thence west thirty-seven (37) chains and eighty-eight (88) links to the section corner of sections (5) five, (6) six, (7) seven and (8) eight, thence west on section line between sections six (6) and seven (7) in town thirty (30), range thirteen (13) west of the second (2d) principal meridian, forty (40) chains to half section corner, thence north on half section line of said section six (6), to the town line between town thirty (30) and town thirty-one (31), thence north to the south west

bank of the Kankakee river in town thirty-one (31), range twelve (12) east of the third principal meridian, thence down the south westerly bank of the Kankakee river to the place of beginning; and whenever any tract of land adjoining the said limits, or any addition to said city shall be laid off into town lots and the plat thereof shall be recorded, the same shall be and form a part of the city of Kankakee, as fully as if, within the original corporate limits.

§ 2. That section three (3) of chapter second be amended by striking out the words "surveyor" and "city attorney," and that hereafter the common council shall appoint the surveyor and city attorney in the same manner as is now provided for the appointment of city officers by the common council. Amended sections.

§ 3. That the seventh clause of the eighth section of chapter four (4) be so amended after the word "year," in the fifth line, as to read, "not less than one dollar nor more than one thousand dollars shall be required to be paid for any license under this act." Clause of section amended.

§ 4. That all ordinances and parts of ordinances of said city of Kankakee passed by the common council of said city, and which are now in force, be and the same are hereby legalized. Ordinances legalized.

§ 5. This act is hereby declared to be a public act and shall be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to charter the city of Danville.

In force March 7, 1867.

ARTICLE I.

BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the city of Danville, in the county of Vermilion and state of Illinois, be and they are hereby constituted a body politic and corporate by the name and style of "The City of Danville;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name and style.

§ 2. The boundaries of said city shall embrace all within the following described tract, to-wit: Beginning at the north east corner of the south west quarter of section four (4); thence west to the center of section six (6); thence south to the north fork of the Vermilion river; thence along down said river to its confluence with the Big Ver- Boundaries.

million river; thence along the Big Vermilion river to the line dividing sections seven (7) and eight (8); thence south to the south west corner of the north west quarter of section seventeen (17); thence east to the center of section sixteen (16); thence north to the place of beginning, all in township No. nineteen (19) north of range eleven (11) west, in the county of Vermilion and state of Illinois.

Additions.

§ 3. Whenever any tract of land adjoining the city of Danville shall be laid off into town lots, and recorded according to law, the same shall be annexed to and form a part of the city of Danville.

Corporate powers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city, and to purchase, receive and hold property, real, beyond the limits of said city, for burial grounds, for the use of the inhabitants of said city; and to sell, lease, convey and improve property, real and personal, for the benefit of said city, and to do all other things in relation thereto as natural persons.

Wards.

§ 5. The city of Danville shall be divided into two (2) wards, the boundaries of which shall be fixed by the city council, and shall be changed by the council from time to time, as they shall see fit, having regard to the number of voting inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Corporation officers.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two (2) aldermen from each ward. The officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor and collector, a city surveyor and engineer, a city supervisor, and a police magistrate, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance.

Tenure of office

§ 2. All officers elected or appointed under this act, except aldermen and the police magistrate, shall hold their offices for one year, and until the election or appointment and qualification of their successors, respectively; all other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council, by

ballot, on the third (3) Monday of May in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors. Proviso.

§ 3. The several wards of the city shall be represented in the city council by two (2) aldermen from each ward, who shall be *bona fide* residents thereof, and hold their offices for two (2) years from and after their election, and until the election and qualification of their successors. At the first meeting of the city council, after the first annual election under this charter, the aldermen shall be divided, by lot, into two classes, consisting of two aldermen each; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the board shall be elected annually. Aldermen.
Classification of.

§ 4. If from any cause there shall not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, from any cause, the officers herein named shall not be appointed on the second Monday of May in each year, the city council shall adjourn from time to time until such appointments are made. If there should be a failure of the people to elect any of the officers herein required to be elected, the city council may forthwith order a new election. Vacancies.
Adjournment.
Failure to elect.

§ 5. Any officer elected or appointed to any office may be removed from such office by a vote of three-fourths of the aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him and heard in his defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purposes of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case, and if such officer shall neglect to appear and answer such charge, then the city council may declare the office vacated: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council; such officer may be removed at any time by a vote of three-fourths, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges, when preferred. Removals from office.
Witnesses.
Limits of time
Proviso.

Vacancy in office of mayor. § 6. Whenever any vacancy shall occur in the office of mayor, alderman or police magistrate, such vacancy shall be filled by a new election; and the city council shall order such new election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council, but no special election shall be held to fill vacancies if more than nine months of the time has expired.

Election. Eligibility to office. § 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, but no person shall be eligible to office under this act or any act in relation to said city, who is now or may hereafter become defaulter to said city or the state of Illinois or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public moneys which may have come to his possession; and if any person holding any such office or place within the city shall become a defaulter whilst holding such office or place, the same shall thereupon become and be declared vacant.

Defaulters. Ties. § 8. When two or more candidates for any elective office shall have an equal number of votes for such office the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

ELECTIONS.

Time and place of holding. Notice of. § 1. A general election of all the officers of the corporation requiring to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the first Monday of May in each year, at such places as the council may appoint, and of which six days previous notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.

Manner of holding. Proviso. § 2. The manner of voting and conducting the elections held under this act, and contesting the same, the keeping poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk, within three days after the election,

and thereupon the city council shall meet and canvass the same and declare the result of the election. The person having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such person shall qualify within twenty days thereafter, the office shall become vacant.

§ 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of the city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote for ten days previous to such election, and, if required by any judge or qualified voter shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States (or was a resident of the state at the time of the adoption of the constitution), and have been a resident of this state one year and a resident of this city six months, and have been for ten days and am still a resident of this ward, and have not voted at this election:" *Provided*, the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

§ 4. No election shall be held in any grog shop or other place where intoxicating liquors are sold by retail or wholesale.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

§ 1. Every person chosen or appointed to an executive, judicial or administrative office, under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom the same was taken, with the city clerk.

§ 2. The mayor, before he enters upon the duties of his office, shall, in addition to the usual oath, swear or affirm, that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall preside over the meetings of the city council, and shall take care that the laws of this state, and the ordinances of this city, are duly enforced, respected and observed, within this city, and that all the officers of the city discharge their respective duties. He shall cause negligence and positive violations of duties to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

- Enforcing ordinances.** § 3. He is hereby authorized to call upon any and all male white inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state, or the ordinances of the city; and any person who shall not obey such call, shall forfeit to the city a fine of not less than five dollars.
- Penalty.**
- Inspections.** § 4. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.
- Mayor's penalties.** § 5. He shall be liable to indictment in the circuit court of Vermilion county for palpable omission of duty, willful oppression, mal-conduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to add, as a part of the judgment, that he be removed from office.
- Amount of fine.**
- Salary.** § 6. He shall receive such salary as may be fixed by ordinances not exceeding five hundred dollars per annum.
- Approval and confirmation of ordinances.** § 7. All ordinances and resolutions, shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council with his objections to the same. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the majority of all the members elected to the council shall agree, by ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than ten days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall be *ex-officio*, police magistrate, and shall have concurrent jurisdiction in the hearing and punishment of all offenses in violation of the city ordinances, and in the absence, sickness or other disability of the police magistrate proper, it shall be, and is hereby made his express duty to try and punish such persons as may be found in violation of any of the ordinances aforesaid. He shall also, *ex-officio*, have power to administer any oath required to be taken by this, or any law of the state, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing and certify the same, under the seal of the city, which shall be good and valid in law.
- Objections.**
- Reconsideration.**
- Journal.**
- Time limited.**
- Punishment.**
- Violations.**
- Acknowledgments.**
- Vacancy in the office of mayor** § 8. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its own members, by ballot, to

preside over its meetings, whose official designation shall be "Acting Mayor;" and the aldermen so appointed shall be Acting mayor. vested with all the powers, and perform all the duties of the mayor until the mayor shall resume his office or the vacancy be filled by a new election.

§ 9. The members of the city council, together with the mayor, shall be, *ex-officio*, fire wardens and conservators of Ex officio officers. the peace within the city, and shall be exempt from jury duty or street labor, during their term of office.

§ 10. The clerk shall keep the corporate seal and the papers and books belonging to the city; he shall attend all the meetings of the city council, and keep a full record of their proceedings upon the journals, and copies of all papers duly filed in his office, and transcripts of the journal of the proceedings of the city council, duly certified by him, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act. Duties of clerk.

§ 11. It shall be the duty of the city attorney to perform City attorney. all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the city council, or the mayor, or any of its committees: *Provided, however,* the offices of Provido. city attorney and city clerk may be vested in the same person.

§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury, City treasurer. in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the city clerk. Such Warrants. warrant shall specify for what purpose the amount therein named shall be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election in Inspection. each year, and oftener if required, a full and detailed account of all the receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the city clerk.

§ 13. The city marshal shall perform such duties as City marshal. shall be prescribed by the city council, for the preservation of the public peace, the collection of license money, fines, or otherwise; he shall possess the power and authority of Powers. a constable at common law and under the statutes of this state, and shall receive like fees, but shall not serve civil process without first entering into bond as such constable, Bond.

to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof.

Engineer and
surveyor.

§ 14. The city engineer and surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances and shall receive such fees and emoluments for his services as the city council shall direct and prescribe. He shall possess the same power in making plats and surveys in the city as is given by law to the county surveyor; he shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the erection of the same; he shall perform all surveying and engineering ordered by the city council, and shall, under their direction establish the grades and boundaries of the streets and alleys; but such plans, estimates, contracts, grades and boundaries shall be first reported to the city council and approved by them, or they shall not be valid.

Rules,

Powers,

Public works.

Plans, etc.

Assessor and
collector.

§ 15. The assessor and collector shall perform all the duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given, by law, to town or county assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed or ordained by the city council.

Liabilities.

Taxes.

Supervisor.

§ 16. The supervisor shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and surveys; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalk, when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid, repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts and sewers; to keep full and accurate accounts in appropriate books, of all appropriations made or work pertaining to his office, and all disbursements thereof, specifying to whom made, and on what account; he shall render quarterly accounts thereof to the city council.

Streets and
alleys,

Sidewalks.

Notices.

Plans.

Accounts.

§ 17. The police magistrate, under the charter of the city of Danville, shall do and perform all the duties now required by the law creating the office of police magistrates, entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27th, 1854, and, in addition thereto, shall have full power and authority to hear, try and punish, in such manner as may be prescribed by the ordinances of the city, all persons guilty of violating any of the provisions of the same: *Provided*, that the present incumbent shall hold over until the term for which he was elected shall expire, and that his successor be elected at the annual city election, of the year in which his term expires, and every four years thereafter.

Police magis-
trate.

Act.

Powers.

Violations.

Proviso.

§ 18. The city council shall have power from time to time, to require further and other duties from all the officers whose duties are herein specified, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may, also, require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Danville, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over, and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office.

City council.

Additional du-
ties of officers.

§ 19. If any person having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all books, property, papers and effects, of every description, in his possession, belonging to said city, or appertaining to their said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office in the manner now provided by law.

Deliverance of
records.

Penalty.

§ 20. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal of the city, signed by the mayor or presiding officer of the city council and clerk, and they shall, severally, receive such compensation as may be fixed by the ordinances of said city, and those of them not heretofore exempted are by this section severally exempted from serving upon juries and from road or street labor.

Commissions.

Compensation.

Exemption.

ARTICLE V.

POWERS OF THE CITY COUNCIL AND DUTIES.

§ 1. The mayor and aldermen shall constitute the city council. The council shall meet at such time and place as they

City council.

Meetings.	shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only the casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.
Quorum.	<p>§ 2. The members of the city council shall receive such compensation for their services as the city council shall direct: <i>Provided</i>, that no member of the city council shall receive more than two dollars for each regular monthly meeting of the city council, and not more than one dollar for every called or special meeting of the same; and if any member shall be absent from any meeting of the city council he shall not receive pay for that meeting. No member of the city council shall be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or to be directly or indirectly interested in any contract the expense and consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily.</p>
Compensation.	
Proviso.	
Restrictions.	
Number of meetings.	<p>§ 3. The city council shall hold twelve stated meetings, one in each month, during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the city council, served personally or left at their usual places of abode; that said council of the city of Danville shall not, at any time, issue city bonds for a greater amount than ten thousand dollars, without submitting the question of issuing such bonds to a vote of the legal voters of said city, which vote or election shall be held as elections are now held under this charter, for the election of such officers of the corporation as by this act are required to be elected by a vote of the people. If there is a majority in favor of issuing bonds, then it shall be lawful for the corporation, acting through the proper officer, to issue said bonds. Petition and remonstrance may be presented to the city council; and they shall determine the rules of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.</p>
Notices.	
Amount of bonds.	
Election.	
Submitting question.	<p>§ 4. The city council shall have the control of the finances and of all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the city, by ordinance—</p>
Absent members.	
Finances.	
Borrow money.	<p><i>First.</i>—To borrow money on the credit of the city and issue the bonds of the city therefor, as provided in the preceding section, but no sum of money shall be borrowed at a higher rate of interest than the rate of ten per cent., nor shall a greater sum or sums be borrowed, or at any time be outstanding, the interest upon the aggregate of which shall</p>

exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; no bonds shall be issued or negotiated at more than two per cent. below par value, and when so issued or negotiated, the interest on the same shall not exceed the rate of ten per cent. The appropriations of the city council for the payment of the interest for improvements and for city expenses during any one fiscal year shall not exceed the whole of the ordinary revenue of the city for the fiscal year immediately preceding, but the council may apply any surplus money in the treasury to the extinguishment of the city debt or to the creation of a sinking fund for that purpose, or to the carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

Appropriations.

Fiscal year.

Sinking fund.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city.

City debts.

Third.—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Quarantine and sanitary regulations.

Fourth.—To make regulations to secure the general health of the inhabitants; to prevent, abate and remove nuisances and to punish the authors thereof by penalties, fines and imprisonments; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Health.

Nuisances.

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Water and wells

Sixth.—To have the exclusive power and control over the streets, alleys and highways of the city and to abate or remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains or sewers therein and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Street obstructions.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks and crossings, and regulate the construction and use of the same, and abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Street regulations and repairs

- Lighting.** *Eighth.*—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time create, alter or extend lamp districts; to exclusively regulate, and control, and direct the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks.
- Markets.** *Ninth.*—To establish and erect markets and market houses and other public buildings of the city and provide for the government and regulation thereof, and their erection and location, and authorize their erection in the streets and avenues of the city, and the continuation of such as are already within the same.
- Public grounds.** *Tenth.*—To provide for the inclosing, regulating and improving of all public grounds and cemeteries belonging to and used by the city, either within or without the same, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds.
- Hospitals.** *Eleventh.*—To erect or establish one or more hospitals or dispensaries, and control and regulate the same.
- Incumbering streets.** *Twelfth.*—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the streets and sidewalks and gutters in front of the premises occupied by them.
- Licenses.** *Thirteenth.*—To license, tax and regulate merchants, commission merchants, inn-keepers, brokers, money brokers, insurance brokers and auctioneers; to impose duties on the sale of goods at auction; to license, tax, regulate and prohibit and suppress hawkers, peddlers, pawnbrokers, grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.
- License and tax vehicles, etc.** *Fourteenth.*—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; to regulate and restrain runners for stages, cars and public houses.
- Gambling.** *Fifteenth.*—To license, tax, regulate, prohibit and suppress billiard tables, bagatelle or Jenny Lind tables, or similar tables, pin alleys and ball alleys; to suppress, restrain and prohibit gambling or gaming houses, disorderly houses, lawdy houses, tippling shops, groceries, lotteries, gift enterprises, and all fraudulent devices and practices and all playing of cards, dice or game of chance of any kind, with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gaming, and this division (the fifteenth) shall extend one mile beyond the city limits.
- Destruction.** *Sixteenth.*—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing
- Licenses—manner of issuing.**

and registering thereof, and the fees and charges to be paid therefor; no license shall be granted for more than one year, and not less than ten, or more than one thousand dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed five dollars; but no license for the sale of wines or other ardent or vinous, fermented or malt liquors, at wholesale or retail, by grocery keepers, inn-keepers or others, shall be issued for less than two hundred dollars, except ale and beer, which shall not be less than fifty dollars; and all licenses for the sale of liquors of any kind shall expire on the last day of June in each year.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating, malt or mixed liquors by any person within one mile of the city limits, except by persons duly licensed, and to provide for the searching, seizing and destruction of all such intoxicating, fermented, malt or mixed liquors within such distance, and to forbid and punish the selling or giving away of any such liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Liquors.

Seizing.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, butter, lard and other provisions, and the place and manner of selling fish and the inspection of the same.

Forestalling the market.

Nineteenth.—To regulate, license and prohibit butchers, and revoke their licenses for malconduct in the course of trade.

Butchers.

Twentieth.—To establish standard weights and measures and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders and dealers in merchandise or property of any description which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city clerk, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Weights and measures.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts and staves, heading, and all kinds of building materials and for the measuring of all kinds of mechanical work, and appoint one or more inspectors or measures.

Lumber.

Twenty-second.—To provide for the inspecting and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Hay and fuel.

Twenty-third.—To regulate the inspecting of beef, pork, flour, meal and other provisions, salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or

Inspection of meats.

- packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.
- Proviso.
- Bread. *Twenty-fourth.*—To regulate the quality and weight of the bread to be sold in the city or used within the same.
- Bricks. *Twenty-fifth.*—To regulate the size and quality of brick to be sold or used within the city, and the inspection thereof.
- Police. *Twenty-sixth.*—To create, establish and regulate the police of the city; to appoint watchmen and policemen and prescribe their duties and powers.
- Disturbances. *Twenty-seventh.*—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.
- Racing. *Twenty-eighth.*—To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to any vehicle or otherwise while standing or remaining in the streets.
- Vagrants. *Twenty-ninth.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.
- Animals at large. *Thirtieth.*—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties upon the owners thereof, for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners and keepers thereof.
- Penalties.
- Rolling hoops. *Thirty-first.*—To prohibit and restrain the rolling of hoops, the flying of kites, or the discharging of firearms or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods or any other noises, performances or practices tending to the collection of persons upon the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.
- Nuisances. *Thirty-second.*—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.
- Suppression of disease. *Thirty-third.*—To do all acts and make all resolutions which may be necessary or expedient for the promotion of health and the suppression of disease.

Thirty-fourth.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler or blacksmith shop, tannery, stable, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort or convenience of the inhabitants. Cleansing premises.

Thirty-fifth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on. Construction of breweries, etc.

Thirty-sixth.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality; and to impose penalties on physicians and sextons and others for any default in the premises. Cemeteries.

Thirty-seventh.—To provide for the taking of an enumeration of the inhabitants of said city. Census.

Thirty-eighth.—To erect and establish a work house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such work house or house of correction may be confined all stragglers, vagrants, idle and disorderly persons, who may be committed thereto by any proper officer; and all persons sentenced by any criminal court or magistrate, in and for the city, or for the county of Vermilion, for any assault or battery, petit larceny or other misdemeanor punishable by imprisonment in the county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city for any misdemeanor, breach of any ordinance of the city, may, in stead of being committed to the county jail of Vermilion county, to be kept therein and be subject to hard labor and confinement. Work houses,

Thirty-ninth.—To authorize the taking up and providing for the safe keeping and education, and for such period of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice. Paupers.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments. Regulation of streets.

Railroad build-
ings.

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turn outs and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, turn outs, bridges and switches interfere as little as possible with the ordinary travel and use of the streets and alleys of the city, and that a sufficient space shall be left on either side of tracks for the safe and convenient passage of teams and persons; to require the railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys and ditches and sewers and culverts, when the city council may deem necessary, and to prohibit the use and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Passage of ordi-
nances.

Forty-second.—The city council shall have power to pass, publish and amend [and] repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary and proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such ordinances, rules or police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or workhouse or both, in the discretion of the magistrate or court before whom conviction may be had, but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offence, and such fine or penalty may be recovered, with costs, in an action of debt, in the name and for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or workhouse, or be required to labor on the streets or other public works or private works within one mile of the city limits, for such time and in such manner as may be provided for by ordinances.

General powers
conferred.

ARTICLE VI.

TAXATION.

Taxation.

§ 1. The city council shall have power, within the city, by ordinance—

First.—To levy and collect annually taxes not exceeding five mills to the dollar on the assessed value of all the real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable

by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

Second.—To annually levy and collect taxes not exceeding five mills to the dollar per annum, on all property taxable for state purposes, and to issue bonds as heretofore provided. Issue bonds.

Third.—To levy and collect taxes, not exceeding five mills to the dollar per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinance or resolution incurring or creating a debt without at the same time making provisions for the levying a tax sufficient to pay the interest accruing thereon, when payable. Payment of debts.

Fourth.—To annually levy and collect taxes on all property subject to taxation, when required for the erection of a city hall, markets, city prisons or workhouse or hospitals, the purchase of market grounds, public squares or parks or any other public improvements: *Provided*, the estimated cost of a city hall, hospital, workhouse or market house may be apportioned by the city council and collected by a series of annual assessments; but the cost of market grounds, markets, public squares or other improvements may be levied and collected upon all the real estate and other property in the natural division of the city in which they are located. No local improvement under this section shall be ordered in any division or ward, unless the aldermen from such ward shall vote for the same; but no tax or taxes shall be levied in any one year under this section which shall exceed five mills to the dollar on the property assessed for any or all the purposes herein specified. The revenue arising from such market or other improvement shall be applied to the liquidation of the costs thereof and taxes shall be levied and collected to make up the deficiency. Annual taxes.

Fifth.—To levy and collect upon all property, in such districts as they shall from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts, lamps and lighting the streets in such district or ward, and the tax thus collected shall be exclusively expended for such purpose in the district or ward paying the same. Gas.

Sixth.—To require it, and it is hereby made the duty of every male resident of the city, over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city, but any person may, at his option, in lieu thereof, pay such sum as may be prescribed by ordinance, not exceeding five dollars: *Provided*, the same shall be paid within ten days after the notification by the supervisor. In default of payment, as aforesaid, the sum of five dollars and costs may be collected, Labor on the streets. Proviso.

and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

OF ASSESSMENTS FOR STREETS AND ALLEYS.

Opening streets
and grounds.

§ 1. The city council shall have power to open and lay out public grounds or squares, streets alleys and highways, and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways or public squares or grounds laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken, and the same, when opened and made, shall be public highways and public squares.

Compensation
for property.

§ 2. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to take and appropriate the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city, at the expiration of which time they shall choose, by ballot, three disinterested freeholders residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time determine what persons will be benefited by such improvements, and assess the damages and expenses thereof on the real estate benefited thereby in proportion, as nearly as may be, the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners.

Notice.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities before entering upon their duties; they shall give at least five days' notice to all persons interested of the time and place of their meetings for the purpose of viewing the premises and making their assessments, which notice shall be given personally, if the owners or residents are known, or by publication in the newspaper publishing the ordinances of the city, if the owners are non-residents or unknown; they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Building—value
of.

§ 4. If there shall be any building standing, in whole or in part, upon the land to be taken, the commissioners,

before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly, the value of such building to him to remove the same.

§ 5. At least five days' notice shall be given to the owner of such determination, when known, and a resident of the city, which may be given him personally or in writing, left at his usual place of abode; and if a non-resident or unknown, a like notice shall be given to all persons interested, by publication in the newspaper publishing the ordinances of the city; such notice shall specify the building and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such reasonable time for such purpose as the city council may direct. Notice.

§ 6. If the owner refuses to take the building at the appraised value to remove or fails to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building, at auction, for cash or on credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use. Time limited.

§ 7. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner shall or may derive from such improvements. In the estimate of the damages to the land, the commissioners shall include the value of the buildings (if the property of the owner of the land), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building. Appraisal.
Estimate.

§ 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case, the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collected of or paid to them. Benefits and damages.

Different
owners.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them from the improvements.

Apportionment.

§ 10. Having ascertained the damages and expenses of such improvements, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed to have been benefited in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made when completed. The commissioners shall sign and return the same to the city council within thirty days of their assessment.

Assessment—
publication of.

§ 11. The clerk shall give ten days' notice by publication in the newspaper publishing the ordinances of the city that such assessment has been returned, and on a day, to be specified therein, will be confirmed by the city council, unless objections to the same are made by some persons interested; objections shall be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessments or refer the same back to the commissioners. If annulled, all the proceedings shall be void. If confirmed, an order of confirmation shall be entered directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners, they shall proceed to make their assessments and return the same in like manner and give the like notices as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform the like duties, and have the like power in relation to any subsequent determination as are herein given in relation to the first.

Commissioners.

§ 12. The city council shall have power to remove commissioners and from time to time appoint others in place of such as may be removed, or refuse, or neglect, or are unable, from any cause to serve.

Payment of
damages.

§ 13. The land required to be taken for the making, opening, or widening, or altering any street, alley, or highway, or public ground, or square, shall not be appropriated until the damages awarded therefor to any owner thereof under this act, shall be paid or tendered to such owner or his agent; or, in case such owner or his agent can not be found in the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; then, and not before, such lands may be taken and appropriated for the purposes required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened.

§ 14. When the whole of any lot, parcel of land, or other premises under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respectively cease, and be absolutely discharged. Covenants and contracts.

§ 15. When part only of any lot, parcel of land, or other premises so under lease or contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements respecting the same, upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof, and the rents, consideration and payment received, payable and to be paid for, and in respect to the same shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable in any respect of the same. Land taken.

§ 16. Any person interested may appeal from any order of the city council for opening, widening or straightening any street, alley or other highway or public ground, to the circuit court of Vermilion county, by notice in writing to the mayor at any time before the expiration of twenty days after the passage of said final order. In case of appeal the city council shall make a return within thirty days after notice thereof, and the court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal and confirm or annul the proceedings; from which judgment no appeal or writ of error shall lie. Upon the trial, all questions involved in said proceedings, including the amount of the damages, shall be opened to investigation by affidavit or oral testimony adduced to the courts, or upon the application of the city or any party, the amount of the damages may be assessed by a jury of said court without formal pleading, and judgment rendered accordingly, and the burden of the proof shall in all cases be upon the city, to show that the proceedings are in conformity with the provisions of this act. Appeals.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who ought and shall pay and bear any expense or assessment made for any public improvement. When any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Nothing herein contained shall in any way Owner to pay expenses.

Landlord and tenant. and impair or affect any agreement between landlord and tenant or other person respecting the payment of such assessment.

Changes by council. § 18. The city council may, by ordinance, make any change they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of such real estate or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injuries upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

In case of the owner being an infant. § 19. When any known owner or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceeding shall be had under this act, the judge of the circuit court of Vermillion county, the county judge of said county, or any judge of the supreme court, may, upon application of the city council, or such infant or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summonses required by this act shall be served upon such guardian.

ARTICLE VIII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Public improvements. § 1. The city council shall have power, from time to time, to cause any street alley or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same.

Drains. *Second.*—To cause cross and sidewalks, main drains and sewers, and private drains, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Grading. *Third.*—To grade, improve, protect and ornament any public square, or other public ground now or hereafter laid out.

Street taxes. *Fourth.*—The city council shall have power to assess and collect of the owners of lots or real estate on any street or any highway, or any part thereof, in the same manner as other taxes, or in such manner as may be prescribed by ordinance for the purpose of grading, paving or planking such streets or other highways: *Provided*, that such tax shall not exceed ten mills per annum of the property assessed.

Proviso. Drainage. § 2. That for the purpose of establishing a system of drainage or sewerage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to the general plan of drainage by sewers and drains for the whole city, and number and record the same.

§ 3. That, whenever a majority in numbers of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax upon the real estate in such district so drained, and not to exceed ten mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains, which taxes shall be annually levied as other city taxes by law, and shall constitute a lien upon the real estate in the district where the same is so assessed; and the city council shall provide for the construction or cutting of such sewers or drains, or such parts thereof as they shall deem necessary, and may from time to time extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest, from the special tax collected in such districts, or the city council may apportion the estimated costs of such sewers and drains, and collect the same by a series of annual assessments; but no ordinance creating such debt, special tax or apportionment, shall be repealed or altered, until the debt created thereby shall have been paid.

Petitions.

Enlargements.

Annual assessments.

§ 4. All owners or occupants of lands or lots in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such lots or lands to be nuisances, and order the same to be graded, filled up and drained or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drains, or grade, fill up, drain or otherwise improve such lot or land at their own costs and charges, within the time and in the manner prescribed by ordinance or otherwise. If not done within the time and in the manner prescribed, the council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses thereof, by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of the premises as in other cases; a suit may be also maintained against the owner or occupant of such premises, for the recovery of such expense, as for money paid and laid out to his use at his request.

Owners to pay for improvements.

Specifications.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be, likewise, collected of the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same shall not

Cost of removing nuisances

be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Repairs of
grounds.

§ 6. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any private or public alley to keep the same clean, and, if necessary, to direct the same to be paved, planked, or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

Taxes and as-
sessments.

§ 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may, also, make such rules and give such regulations in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

Annual lists.

§ 2. The annual lists shall be returned by the assessor on or before the first Monday in August, in each year, but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for the hearing of objections thereto; and the clerk shall give notice of the time and place of such hearing, by publication in the paper publishing the city ordinances; and any person feeling himself aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment list, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or refer the same back to the assessor with instructions to revise and correct the same.

Objections.

Omission.

Revisement.

Levying sums
of money.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same, and directing the warrant to be issued for the collection of the same, shall be entered by the clerk; the city council shall thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which the taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division or ward of the city upon which the same are levied.

Taxes to be a
lien.

§ 4. All taxes or assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order

for the assessment, and upon personal estate from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real and personal estate; and the real estate shall be liable for the taxes upon personal estate, in case of removal, or when the tax can not be made out of the personal estate in the same manner as is provided by the laws of this state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien upon the real estate for the period of two years from and after the final disposition of such injunction, or other judicial proceeding.

Execution.

Proviso.

Time.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be separately set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Warrants.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal attached thereto, and shall contain true and perfect copies of the corrected assessment lists, upon which the same may be issued. They shall be delivered to the collector for collection within thirty days of the filing of the corrected lists, unless further time shall be given for this purpose, by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after demand and refusal to pay the same: *Provided*, a notice, published for ten days by the collector in the newspaper publishing the ordinances of the city shall be deemed a demand, and a neglect to pay taxes for twenty days shall be deemed a refusal. The assessor's list shall, in all cases, be evidence on the part of the city corporation.

Warrants.

How signed and drawn.

Collection of taxes.

Proviso.

Publication.

§ 7. All taxes, general or special, shall be collected by the collector in the same manner and with the same authority as is now given by law to collectors of state and county taxes. He shall pay the same as fast as collected into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liability, in case of default or misconduct, shall be the same as is now provided by law: *Provided*, the city council shall have power to prescribe the powers and liabilities of collectors by ordinance.

Collection of taxes by assessor.

Proviso.

§ 8. In case of non-payment of any taxes or assessments, levied or assessed under this act, the premises may be sold for the payment thereof, at any time within ten years after the confirmation of the assessment by the city council. Before any such sale an order shall be made by the city council, which shall be entered at large in the journals or

Prosecution taxes.

How conducted records kept by the clerk, directing the collector to sell, particularly directing the delinquent premises to be sold, and assessment for which the sale shall be made; a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer, and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale may be made.

Publication of delinquent premises.

§ 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes and assessments thereon, and costs. Said notice shall also contain the time and place of said sale, and shall be published at least four times. The proceedings may be stopped at any time on the payment of the taxes or assessments and interest, with the expenses of advertising.

Sales—how conducted.

§ 10. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same; the sale shall be made for the smallest portion of ground, taken from the east side of the premises, for which any person will take the same and pay the taxes and assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other be filed in the office of the clerk, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the taxes or assessments, with the interest and the expenses, for which the same were sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

Redemption—how conducted

§ 11. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, executors or administrators, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on payment, in national currency, of double the amount for which the same was sold and all taxes accruing subsequent to the time of sale, with interest. If the real estate of any infant, *femme covert* or lunatic be sold under this act, the same may be redeemed at any time within two years after such disability is removed. In case of redemption, the money may be paid to the purchaser or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed

to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to the purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded; a fee of one dollar may be charged by the clerk for any deed so issued.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city council, shall be entitled to receive a deed for said premises in his own name and with the same effect as though he had been the original purchaser. Assignee.

§ 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of the land, or any goods or chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sale. In case of no bids.
Action.

§ 14. All deeds made to the purchasers of lots sold for taxes or assessments by order of the city council, shall be *prima facie* evidence in all suits and controversies in relation to the rights of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts— Deeds.
Evidence.

First.—That the lot or land conveyed was subject to tax or assessment at the time the same was advertised for sale, and had been listed and assessed in the manner and time required by law. Advertisement.

Second.—That the taxes or assessments had not been paid at any time before the sale of the same. Taxes not paid.

Third.—That the land conveyed had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the following facts— Non-redemption.

First.—That the land or lot was advertised for sale for the length of time and in the manner required by law. Advertisement.

Second.—That the land was sold for taxes or assessments as stated in the deed. Sale.

Third.—That the grantee in the deed was the purchaser. Deed.

Fourth.—That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of sale; that the taxes and assessments had been paid; that the said lands had never been listed for taxation or assessment; or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the benefit and use of the persons having the right of redemption under the law Sale—how conducted.

Title. of this state ; but no person shall be permitted to question the title acquired by the said deed, without first showing that he or she or they or the person under whom he, she or they claim title, had had title to the land at the time of sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the land have been paid by such persons, or the persons under whom they claimed title, as aforesaid.

ARTICLE X.

FIRE DEPARTMENT.

Fire depart-
ment.
Prohibitions.

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire proof materials ; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining the extent of such damage ; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct ; to declare all wooden buildings within fire limits, which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such a manner as they shall prescribe.

Nuisances.

Chimneys.

§ 2. The city council shall have power—
First.—To regulate the construction of chimneys and flues, so as to admit of chimney sweeps, or other mode of cleaning, and to compel the cleaning and sweeping of chimneys.

Flues—con-
struction of.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire places, stovepipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Ashes.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.

Buckets.

Fourth.—To require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire ; and to require all owners and occupants of buildings to con-

struct and keep in repair wells and cisterns upon the premises.

Fifth.—To regulate and prevent the carrying on of works and manufactories dangerous in promoting or causing fires. Manufactories.

Sixth.—To regulate, prevent and prohibit the use of fire works and fire arms. Fireworks.

Seventh.—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous materials, within the city, to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses. Gunpowder.
Candles.

Eighth.—To regulate and prescribe the manner and order of the building of parapet and partition walls and of partition fences. Parapet fences.

Ninth.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same. Scuttles

Tenth.—To authorize the mayor, fire-warden or other officers of said city, to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen. Suspicious persons.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient. General regulation.

§ 31 The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for the preserving and keeping the same ; and shall have power— Engines.

First.—To organize fire, hook, hose, ax and ladder companies. Companies.

Second.—To appoint during their pleasure a competent number of able, suitable and respectable inhabitants of the city firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires. Firemen.

Third.—To prescribe the duties of firemen and to make rules and regulations for their government, and to impose reasonable penalties upon them for any violation of the same, and for incapacity, neglect of duty or misconduct to remove them. Duties of firemen.

Fourth.—The city council shall have power to appoint a chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires ; and Engineer.

their powers and duties shall be prescribed and defined by the city council.

Exemption.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in the ordinance shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

Report of
finances.

§ 1. The city council shall, at least ten days before the annual election, in each year, cause to be published in the newspaper publishing the city ordinances, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement; and also, a distinct statement of the whole amount assessed, received and expended, in the respective divisions and wards of the city, for making and repairing streets, highways and bridges, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Exemption.

§ 2. The inhabitants of the city of Danville are hereby exempted from working the roads beyond the limits of the city, and from the paying the tax in lieu thereof, without said limits.

Supervisor.

§ 3. The supervisor shall demand the services of all persons who are required to labor upon the streets and alleys of the city, at such time and place, and in such manner as the city council may direct, or the supervisor shall deem necessary. He shall deliver or cause to be delivered, or left at the usual place of abode or business of any person so required to labor, as aforesaid, a written or printed or partly written or partly printed notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the day which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys; but a similar notice published for ten days in the newspaper publishing the ordinances of the city, by the supervisor, or posted up in three of the most public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any one to appear and labor as aforesaid, or pay the tax, the

Notices.

Publication.

collector shall collect from such person the sum of five dollars, with his commission for the same added thereto. Amount of penalty.

§ 4. The city council shall have power to make, establish and declare the boundaries and names of the streets and alleys of the city. Boundaries.

§ 5. All fines, forfeitures and penalties, collected for offenses committed within said city, shall be paid into the treasury of said city by the officer collecting the same, and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner. Penalties. Collection.

§ 6. The city council shall have power to require that all additions hereafter made to said city, or all lands adjoining, or within the same, laid out into lots or blocks, shall be so laid out or platted, as to correspond and conform to the regular blocks, streets and alleys, already laid out and established within the city. Town additions.

§ 7. The city council shall, in all expenditures for purposes strictly local, expend annually, in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division, to the general fund. Street taxes shall be expended in the several wards or divisions where the persons paying the same may respectively reside. Proportionment of expenses.

§ 8. The supervisor, in addition to the penalties prescribed by ordinance shall, for willful neglect of duty, be liable to indictment and fine, in the same manner as supervisors, under the laws of the state.

§ 9. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected, shall vote for such release or remission; nor shall any thing in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise. Remittance of fines.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there shall be present as large a number of aldermen as was present when the vote was taken. Votes re-considered.

§ 11. Every ordinance, regulation and by-law, imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published three days in the newspaper publishing the city ordinances and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk or any other competent proof of such publication, shall be con- Publication of ordinances. Evidence of.

clusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Actions—how
conducted.

§ 12. All actions brought to recover any penalty or forfeiture, incurred under this act or any ordinance, by-law or police regulation, made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence of it.

Violations.

§ 13. In all prosecutions for a violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases.

Execution—
how conducted

§ 14. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels, or real estate within the county of Vermilion, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or workhouse, or city prison, for a period not exceeding six months in the year, in the discretion of the court rendering judgment, and all persons who may be committed under this section shall be confined one day for each dollar of such judgment and costs. All expenses incurred in any execution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Time—commit-
ment.

Qualifications of
citizens.

§ 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Danville, in any action or proceeding in which said city may be a party in interest.

Previous ordi-
nances.

§ 16. All ordinances, regulations and resolutions now in force in the city of Danville, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council, after this act shall take effect; and all ordinances, regulations and resolutions, and all acts proceedings, matters and things of any and every name and nature whatever, done or provided to be done by the city council of the city of Danville, before this act shall take effect, are hereby made and declared to be valid.

Actions in suit,
accumulation
of.

§ 17. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have heretofore accrued to the city at any time, shall be vested in, and may be prosecuted by the corporation hereby created.

Town property.

§ 18. All property, real, personal and mixed, belonging to the city of Danville, is hereby vested in the corporation created by this act; and the officers of the same now in office shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

§ 19. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

Validity of ordinances.

§ 20. The style of all ordinances shall be, "Be it ordained by the city council of the city of Danville."

Style of ordinances.

§ 21. Any tract of land adjoining said city, which may be laid off into lots or blocks, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to the same and form a part thereof.

Additional tracts of land.

§ 22. This act shall not invalidate any legal act done by the city council of the city of Danville, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability which may have accrued to, or been created by said corporation prior to the passage of this act.

This act not conflicting.

§ 23. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, detain such person in custody over night, or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers as conservators of the peace, as the city council may prescribe.

Powers of city officers.

§ 24. There shall be a digest of the ordinances of the city, which are of a public nature, published within three years after the passage of this act, and a like digest within any period of three years thereafter.

Digest of ordinances.

§ 25. The city council shall have power to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

Health regulations.

§ 26. This act shall not take effect as the charter of the city of Danville, unless a majority of the legal voters of said city voting at an election, hereinafter provided, shall cast their votes for the adoption of the same; said election to be held on the third Monday in the month of April, A. D. 1867, as other elections in said city are now held, upon notice to be given by the clerk or attorney of the present board; said notice to be posted up in five public places in said city. If from any reason or circumstance the election for the adopting this charter, by the voters of said city, can not be held upon the day last above named, such election may be held upon any subsequent day, to be determined by the town council of the town of Danville, giving thirty days' notice of said election, in at least five public places in said city, by posting notices of the same. The returns of said election, held as aforesaid, shall be certified by the officers

Submitting this act.

Time of election.

Regulations.

Notices.

Evidence of
adoption.

Publication of
this act.

of the election, and shall be placed on file in the office of the clerk of the circuit court of Vermilion county, Illinois, and it shall not be necessary in any proceeding, either in law or in equity, to prove that this charter was adopted by the people, but such proof shall be a matter of defense by showing that such charter was not adopted by the vote of the people, by reference to the return of the election as in this section provided for.

§ 27. Before the election required to be held by the preceding section, the present board of the city shall cause this act to be published in the newspaper of the city, or in pamphlet form, as they select, and have the same distributed among the inhabitants of said city.

§ 28. This act to be a public one, and to be in force from and after the passage of the same.

APPROVED March 7, 1867.

In force March 6, 1867. AN ACT to amend an act entitled "An act to incorporate the city of Salem," passed and approved February 16th, 1865.

Section 1 of ar-
ticle 4, amend-
ed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of article four (4) of the act to incorporate the city of Salem be so amended that the police magistrate for said city shall be elected on the first Monday in April, one thousand eight hundred and sixty-seven, and to hold his office for a term of four years and until his successor shall be elected and qualified; and an election shall be held on the first Monday of April, every fourth year thereafter, for the purpose of electing said police magistrate; and the clerk of said board shall give notice of said election, as is provided by law in other cases of election of city officers.

Part of section
2, article 5,
amended.

§ 2. That so much of section two (2), article five (5), of the act entitled "An act to incorporate the said city of Salem as authorizes the county clerk of said county of Marion to keep a book, with list of tax-payers in said corporation, and authorizes the collector of Marion county to collect the revenue of said city, is hereby repealed, and that the city council of said city shall appoint an assessor and collector for said city, at their first regular meeting in each year. Said assessor and collector shall keep a book and make an alphabetical list of the tax-payers in said corporation, and perform all the duties, be entitled to the same fees, and make his returns to the treasurer of said city, the same as now required by section two (2), article five (5), of said act, and the collection of taxes shall be enforced in the same manner, [as] judgments rendered by the same courts, as is pre-

scribed by section five (5), article two (2), of said act. The said assessor and collector shall give bond to said city council in double the amount of revenue to be collected, conditioned to the faithful discharge of his duties and for the payment of all moneys collected, to the treasurer of said city, upon the order of the city council, said bond to be approved by the city council. And the said assessor and collector shall make an exhibit of all his actings and doings to said board as often as they may require it. That he may be removed from office for neglect of any of the duties required by this act, upon a vote of two-thirds of the city council.

Assessors' bonds.

Exhibit of books.

Removal of.

§ 3. That the revised survey of the original town of Salem, Marion county, as made and platted by Richard Atkin, by order and direction of the city council of said city, and adopted at a meeting of said city council, held on the ninth (9th) day of February, one thousand eight hundred and sixty-seven, is hereby legalized; and the boundaries of the lots and squares and the width of the streets and alleys in said original town of Salem are hereby established by said survey; and said plat shall be recorded in the recorder's office of the county of Marion; and from and after the time of filing same for record, as aforesaid, shall be deemed and taken as the plat of said original town of Salem; and that this act take effect from and after its passage.

Surveys legalized.

Boundaries established.

Plats recorded.

APPROVED March 6, 1867.

AN ACT to amend an act entitled "An act to charter the city of Ottawa," In force may 7, approved February 10th, A. D. 1853. 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the city of Ottawa be extended, so as to include the south eighty acres of the north half of section two, the southwest quarter of section one, the west twenty acres of the southeast quarter of section twelve, and the west half of the northwest quarter of section thirteen; all in township thirty-three north, of range three east of the third principal meridian, in La Salle county, and state of Illinois.

Extension of corporate limits.

§ 2. The city council of said city shall have power to divide the territory mentioned in section one of this act into wards, or to attach the same to the present wards of said city; and the charter of said city, and amendments thereto, and all laws of this state pertaining to said city are hereby extended over the territory described in section one of this act.

Division of territory into sections and wards.

APPROVED March 7, 1867.

In force March 7, 1867. AN ACT to amend an act incorporating the city of Knoxville, passed February 10, 1853.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the

Jurisdiction of police magistrates. Changes of venue. Justices powers
 The police magistrate of the city of Knoxville shall have jurisdiction in all suits for any violation of the city ordinances of said city. Changes of venue may be taken from said police magistrate to other justices of the peace as now provided by law for change of venue from justices of the peace; and, in any case when a change of venue shall be taken from said police magistrate to any other justice of the peace, said justice shall have power to try said cause, so brought before him, and is hereby authorized and directed to try such cause so brought before him, and render judgment therein in the same manner and to the same extent that said police magistrate could have done had such change of venue not been taken.

Judgments and executions.
 § 2. Upon the rendition of judgment against any defendant for violation of city ordinances of said city, the police magistrate, or justice by whom said judgment shall be rendered, shall immediately issue an execution, and place the same in the hands of the city marshal for collection; and no other property shall be exempt from levy and sale under such execution for convictions under the statutes for assault and battery.

Replevies.
 § 3. Any person who may be fined for any violation of any ordinance of said city, may replevy said fine, by entering into bond with said city, with good security, to be approved by the police magistrate or justice before whom judgment is rendered, for the payment of such fine and costs, within ninety days from the date of said judgment; and if such judgment and costs be not then paid, the original judgment shall become a judgment against both principal and security; and said police magistrate or justice, before whom such judgment is rendered, shall forthwith issue execution against said principal and security, in the same manner as against the principal.

Appeals.
 § 4. All appeals to the circuit court of Knox county from judgments for violations of city ordinances of said city, shall be taken on the day of trial, and the securities be approved by said police magistrate or justice before whom judgment is rendered, and the defendant shall have five days within which he may file his appeal bond with the police magistrate or justice before whom judgment is rendered.

Proceedings in cases of conviction for violation of ordinances.
 § 5. In all cases of conviction for violation of the city ordinances of said city, the police magistrate or justice before whom judgment is rendered, and on appeal to the circuit court of Knox county, shall order that defendant or defendants shall stand committed until the fine and costs are paid

or replevied; and in all such cases it shall be the duty of the city marshal of said city, or sheriff of said county, to commit the defendant or defendants to the county jail of Knox county, there to remain till the fine and costs are paid, or they be otherwise discharged by due process of law.

§ 6. The city of Knoxville shall not be required to give security for costs in any case, nor shall any security be required upon any appeal bond to be executed by said city. The signature of the mayor and clerk of said city, under the corporate seal of said city, to any appeal bond, shall be deemed a good and sufficient execution of said bond.

Security for costs.

Evidence of the execution of bonds.

§ 7. This act shall be deemed a public act, and be in force and take effect from and after its passage.

APPROVED March 7, 1867.

AN ACT to amend an act entitled, "An act to incorporate the city of Freeport," in force February 14, 1855, and the several acts amendatory thereto.

In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers conferred by the charter of said city, the city council shall have power, by ordinance, to levy and collect an annual tax on the real and personal estate within the limits of the city, not exceeding twenty-five cents on each one hundred dollars, on the assessed value thereof; which tax, when collected, shall be set apart and held separate and distinct from the other portion of the city revenue, and kept as a special fund for the payment of interest on the outstanding bonds of the city, and for the payment and liquidation of such bonds at maturity, and for no other purpose whatever: *Provided*, that said tax shall be levied and collected at the same time and in the same manner that the general taxes are levied and collected by said city.

Additional powers conferred.

Proviso.

§ 2. The city council shall have power and authority to borrow money on the credit of the city and issue bonds of said city therefor, drawing such rate of interest (not exceeding ten per cent. per annum,) as the city council may determine: *Provided*, that no sum or sums of money shall be borrowed which, together with the outstanding bonds of the city, shall at any time exceed, in the aggregate, the sum of twenty-five thousand dollars, unless duly authorized by the legal voters of the city, at a special election ordered by the mayor for that purpose. The mayor, in his proclamation ordering such special election, shall state the amount and objects of the loan proposed to be made, and shall cause the same to be published in the newspaper publishing the ordinances of said city for thirty days immediately pre-

Borrow money.

Proviso.

ceding the day appointed for the holding of such election ; and if a majority of all the votes cast at said election shall be in favor of any such loan the same may be negotiated and not otherwise : *And, provided, further,* that the annual interest on the outstanding bonds of the city, together with the interest on subsequent issue of bonds under either or any of the provisions hereof, shall never exceed one-half of the revenue annually derived from the general tax levied by said city upon the real estate within the limits of said city.

Proviso.

Section 3, of article 1, amended.

§ 3. That section three of article one of the city charter be so amended as to authorize and empower said city to levy and collect taxes on all parcels of land and lots within the boundaries of the city, in the same manner and for the same purposes that other real estate in said city is taxed, whether said parcels of land and lots exceed ten acres or not. And all lands and lots that shall hereafter be annexed to and form a part of said city shall be taxed for city revenue and other purposes the same, and in the same manner, and for the same purposes, that other lands and lots are taxed by said city.

Regulation of insurance agencies.

§ 4. That, in addition to the powers conferred by the charter of said city, the city council shall have power, within the jurisdiction of said city, by ordinance, to regulate agencies of all insurance companies, and to license, tax and regulate agents of all such insurance companies doing business in said city.

Councilmen not to be contractors, etc.

§ 5. The mayor of the city, nor any member of the city council, during their term of office, shall be permitted to become a contractor or be in any way personally interested in any contract with the city for the performance of any job, work or labor, or for the furnishing of any material, goods, chattels, wares, merchandise or things, let or to be let, purchased or contracted for, by or on account of said city.

Release of prisoners from custody.

§ 6. Any person in custody in said city for the non-payment of any fine, penalty or forfeiture adjudged against him or her, for a violation of any ordinance of said city, may be released from custody by the city council, upon a vote of two-thirds of all the aldermen elected ; but such release shall not discharge such person from the payment of the fine and costs.

City not liable for costs.

§ 7. The city shall not be liable for costs, when the defendants are acquitted, or in any other case arising under the charter or ordinances of the city ; and the city council may provide for the payment to police magistrates and police officers of a sum in gross, in lieu of all fees and costs and charges against the city.

Street improvements.

§ 8. The city council shall have power to open and lay out public grounds or squares, streets alleys and highways, and to alter, widen, contract, straighten and discontinue the

same; but no street, alley or highway, or part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. They shall cause all alleys, streets and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken, and the same, when opened and made, shall be public highways and public squares.

Records and surveys.

§ 9. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and, at the same time, to determine what persons will be benefited by such improvements, and assess the damages and expenses thereof on the real estate benefited thereby, in proportion, as near as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected shall be necessary to a choice of such commissioners.

Appropriation of lands for street improvements.

§ 10. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties. They shall give at least five days' notice to all persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessment; which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Commissioners' duties therein.

§ 11. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before making their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and, secondly, the value of such building to him to remove.

Value of buildings on lands taken, etc.

§ 12. At least five days' notice shall be given to the owner of such determination, when known and a resident of the city, which may be given personally, or in writing left at his usual place of abode. If a non-resident or un-

Notice to owners.

Commissioners' awards. known, a like notice to all persons shall be given in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the city council either to accept the award of the commissioners and allow such building to be taken with the land condemned or appropriated or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Removal of buildings.

Refusal to remove.

Sales of buildings.

Assessments and damages.

Damages.

§ 13. If the owner refuses to take the building at its appraised value to remove, or fails to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building, at public auction, for cash or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

§ 14. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner the value of the real estate appropriated and the injury arising from the condemnation thereof, which shall be awarded to such owner, as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land the commissioners shall include the value of the building (if the property of the owner of the land,) as estimated by them, as aforesaid, less the proceeds of the sale thereof; or, if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such buildings.

Differences and balances.

§ 15. If the damages to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall in any case be collected of or paid by them: *Provided*, that in case the entire benefits to all property holders interested shall exceed the entire damages assessed by such commissioners, then, in that case, the persons deemed to be benefited shall only be required to pay, *pro rata*, upon the amounts of the benefits so assessed, a sufficient amount to pay the damage so assessed, as aforesaid.

Proviso.

Assessment of damages.

§ 16. Having ascertained the damages and expenses of such improvements, as aforesaid; the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate deemed by

them benefited, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the city council within thirty days of their assessment.

§ 17. The clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been made and returned, and, on a day to be specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void. If confirmed, an order of confirmation shall be entered. If referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner and give like notices as herein required in relation to the first. And all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers, in relation to any subsequent determination, as are herein given in relation to the first.

Notice of return
of assessment.

§ 18. When the assessment of the commissioners shall have been finally confirmed and approved by the city council, the city council may, by the passage of an ordinance or resolution, to be entered in full upon the journals by the city clerk, levy and assess the amount of such assessment against the lots and real estate upon which the same is assessed by the commissioners, and direct that a warrant issue for the collection of the same; and the amount so assessed is hereby declared a special tax, for the purpose for which it shall have been assessed, and a lien until paid upon the real estate so reported to be benefited thereby, and may be collected in the same manner as other corporation taxes are collected for the time being. And should the owner of any land upon which any special taxes assessed be unknown he may be so described in all proceedings to assess and collect the same. Such assessment may, also, at any time after the approval and confirmation thereof, be collected of the owner of the lot or real estate against which the same is assessed and recovered by suit in the name of the city, before any court having jurisdiction.

Levying and
assessing the
amounts of as-
sessments, etc.

Special taxes,

Suits for recovery.

§ 19. The council shall have power to remove commissioners, and from time to time appoint others in place of such as may be removed or refuse, neglect or are unable from any cause to serve.

Removal of
commissioners

§ 20. The land required to be taken for the making, opening, widening, straightening or altering any street,

Appropriation
of land.

alley or other highway or public ground or square, shall not be appropriated until the damages therefor awarded to any owner thereof under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent can not be found within the city, deposited to his or their credit in some safe place of deposit, other than the hands of the treasurer, and then and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened.

Covenants, con-
tracts, agree-
ments.

§ 21. When the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlord and tenant or any other contracting parties touching the same or any part thereof shall, upon the confirmation of the report of the commissioners, respectively cease and be absolutely discharged.

Contracts in
parts only of
land.

§ 22. When part only of any lot, parcel of land or other premises so under lease or contract, shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for, or in respect to the same shall be so appropriated as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recovered in any respect of the same.

Appeals

§ 23. Any person interested may appeal from any final order of the city council for opening, widening, altering or straightening any street, alley or other highway, or public ground, to the circuit court of Stephenson county by notice, in writing, to the mayor at any time before the expiration of twenty days after the passage of said final order. In case of appeal the city council shall make a return within thirty days after notice thereof, and the court shall at the next term after return filed in the office of the clerk thereof, hear and determine such appeal and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages shall be open to investigation upon such testimony as may be adduced to the court by the respective parties, or upon application of the city or any party the amount of damages may be assessed by a jury in said court without formal pleadings and judgment rendered accordingly, and the burthen of the proof shall in all cases be upon the city to show that the proceedings are in conformity with this act.

§ 24. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expenses of any public improvement. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the persons bound to pay the same the amount so paid with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant or other person respecting the payment of such assessments.

Expense of assessments—by whom paid.

§ 25. The city council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated in the whole or in part, and the assessment of such damages and injury upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

Change in proceedings.

§ 26. When any known owner or other person, having an interest in any real estate, residing in the city or elsewhere shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Stephenson county, the county judge of said county or any judge of the supreme court may, upon the application of the city council or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust and all notices and summons required by this act shall be served on such guardian.

Proceeding in case of infants.

§ 27. The mayor of the city shall have such salary as may be fixed by ordinance or resolution, not exceeding three hundred dollars per annum. And each alderman shall receive such compensation for his services as the council may allow, not exceeding one hundred dollars per annum.

Salaries.

§ 28. That hereafter at the annual charter election of said city there shall be elected by the legal voters of the city (in place of those appointed by the city council) one city attorney, one city clerk, one city surveyor, one city treasurer, and one street commissioner, who shall hold their respective offices for one year, and until their successors are elected and qualified. In case of a vacancy occurring in either of said offices, the city council shall fill such vacancy by appointment.

Election of officers.

§ 29. That whenever the city council shall determine to lay out, open, alter, widen or straighten any street, alley or highway, public ground or square, or to grade, pave, macadamize or plank, any street, alley or highway, or to cause

Assessments for street improvements.

any main drain, sewer or aqueduct to be constructed and laid, relaid, cleansed or repaired, and shall cause the expenses thereof to be assessed upon the real estate benefited thereby under any provision of the city charter, or of any law of this state, it shall be lawful for the said city council, by an order or resolution, to be entered upon their records by the city clerk, to declare and set apart such assessment as a separate and special fund, to be applied only to the purpose for which the same has been assessed, and to make such regulations as they may deem necessary and proper to secure the proper application and disbursement of the same.

Collection of. § 30. That whenever any such assessment shall be so set apart by order of the city council, the same shall be collected and paid only in money or in such city warrants as may have been drawn, payable out of such particular fund.

Conflicting acts repealed. § 31. All acts and part of acts coming in conflict with this act, shall be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force March 9, 1867. AN ACT supplementary to "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," approved February 13, 1863, and the several amendments thereto.

Be it enacted by the People of the State of Illinois, represented in the General Assembly :

CHAPTER I.

ASSESSMENTS, TAX COMMISSIONERS, ETC.

Taxes—commissioner of. § 1. The mayor shall, on the first Monday of March, A. D. 1867, or as soon thereafter as practicable, and quadrennially thereafter, appoint by and with the advice and consent of the common council, a commissioner of taxes, who shall have been a resident of the city for three years, and a freeholder in said city for at least one year prior to his appointment; said commissioner shall take and subscribe an oath of office and shall enter into bond in the penal sum of ten thousand dollars, with two or more sureties, to be approved by the mayor, for the faithful performance of his official duties. The salary of said commissioner shall be annually fixed in the appropriation bill by the common council.

Salary. Division. § 2. The commissioner first appointed shall, immediately after his qualification, proceed to divide said city into

as many and such convenient assessment districts, not exceeding eight, as he shall deem expedient, which shall be known and designated numerically: *Provided, however,* in making such districts, regard shall be had to the natural divisions of said city: *And, provided, further,* that such division of said city into districts shall be submitted to and be subject to the approval of the common council: *And provided, further,* that such districting shall only be subject to modification or alteration by a vote of three-fourths of all the aldermen elected, such vote to be taken by ayes and noes and entered on the records of the council.

Proviso.

Proviso.

Proviso.

§ 3. Said commissioner shall keep in suitable books to be provided for that purpose, a record of all information which he may be able to obtain in respect to the taxable property and persons liable to taxation in said city, and all changes in the ownership of real estate in said [city], of which he can obtain information. He shall have power to appoint suitable persons as clerks in said office, the number to be limited and salaries fixed by the common council, whose business it shall be under his direction to make and from time to time amend and correct the record of the property in the office of said commissioner, both as regards the ownership and extent of such property by a daily examination of the maps and conveyances which shall be left for record in the office of the recorder of Cook county, and also all maps in the office of the board of public works, which examination he shall be entitled to make, free of all charges whatsoever during office hours.

Accounts.

Public works.

§ 4. The common council shall, on the first Monday of March, A. D. 1867, or within thirty days from said time, and biennially thereafter, appoint by ballot an assessor for each division of the city, who shall be a freeholder in said division, and have resided therein at least one year preceding his appointment. The said commissioner of taxes and the said assessors shall constitute the "Board of Assessors," the said commissioner being, *ex officio*, president of said board.

Assessors' duties.

§ 5. Said assessors so appointed shall take and subscribe an oath of office, and shall enter into bonds in the penal sum of five thousand dollars, with two or more sureties, to be approved by the mayor, for the faithful performance of their duties. The commissioner of taxes is hereby authorized to administer any oath required to be taken by this act or by any law of this state. The said assessors are also hereby severally authorized to administer any oath required by this act, or by the revenue or assessment laws of this state.

Oath of office.

§ 6. The assessors shall, as soon after the first Monday of May, in each year, as may be, under the direction and supervision of the commissioner of taxes proceed to examine and determine the valuation of the taxable real and

Valuations.

personal estate in their respective districts. Schedules of all the taxable real estate in the several districts shall be furnished by the commissioner of taxes to aid them in the performance of their duties upon which they shall enter their valuations. Said commissioner, in making out said schedules may take as his guide the assessment list or collector's book of the previous year, and the list of subsequent conveyances, and such other data as he can find to make them as nearly correct as possible. Said appraisal, together with their appraisal of all the personal estate taxable in said city shall be completed and filed in the office of said commissioner on or before the first Monday of August in each year, unless further time shall be granted by the common council.

Appraisals.

Time.

Revenue law.

§ 7. Said assessors shall not in any case assess taxable, real or personal estate any less than its real or true value as defined by the state revenue laws. All personal property of every nature and kind having its actual sites within the city, shall be assessed for municipal purposes in the district where the same may be found, whether the owner resides in the city or not; this provision to extend to and include the proportion of rolling stock of all such railroad or railway companies as run cars or trains into the city by lease of roadbed or track, or by contract or arrangement with any other railway company or corporation; such proportion to be ascertained and apportioned in accordance with the statutes regulating the assessment of the rolling stock of such companies the same as though such company owned the track or roadbed.

Blanks.

§ 8. The assessors of the several districts shall be furnished with the necessary blanks to take a list of taxable property in their several divisions, by the commissioner of taxes. They shall call at the office, place of business or residence of each person required by law to list his property, and at the office of every incorporated company, and require such person or the president, cashier, treasurer, secretary, or other officer of such incorporated company, to make a correct statement of his or its taxable property in accordance with the provisions of law; and the person listing the property shall enter a true and correct statement of such property and the value thereof, in a written or printed blank prepared for that purpose, which statement, after being filled out, shall be signed by the person listing the property, and shall also be verified by his oath or affidavit.

Refusal.

§ 9. In every case where any person shall neglect or refuse to make out and deliver to the assessor the statement required by this act, or by the revenue laws of the state, verified by oath or affirmation, in addition to the penalties in such case provided by such laws, the common council of said city may provide such other and further penalties as will secure compliance.

§ 10. In every case where any person or officer of a corporation whose duty it is to list any personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, or any property of a personal nature liable to assessment for taxation, shall have refused or neglected to list the same when called on for that purpose by the assessor, or to take and subscribe an oath or affirmation in regard to the truth of his statement required to be made, as aforesaid, or by any law of the state, when required by the assessor; the assessor shall enter opposite the name of such person, in an appropriate column, "refused to list" or "refused to swear," and in every case where any person required to list property for taxation shall have been absent or unable, from sickness, to list the same, the assessor shall enter opposite the name of such person in an appropriate column, the word "absent" or "sick." When the assessors shall have completed the assessment of the taxable real and personal estate of said city, they shall file the same in the office of the commissioner of taxes, and fix upon a day for the hearing of objections thereto; and the said commissioner shall give notice of the time and place of such hearing by six days' publication thereof in the corporation newspaper. Any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objection.

§ 11. The said assessors, together with the commissioner of taxes, constituting the board of assessors, shall meet at the time and place designated to revise and correct their assessments. They shall hear and consider all objections which may be made, and shall have power to make all proper corrections and supply omissions in their assessment; and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same. They shall continue in session during the business hours of each and every secular day for the period of twenty successive days; thereafter, no change, amendment, abatement or alteration shall be made, nor shall any tax or portion thereof be refunded. A majority of said board shall constitute a quorum.

§ 12. When said revision shall have been completed, the commissioner of taxes shall enter, in one or more books to be prepared for that purpose, a complete list of all the taxable real estate in said city, according to the schedules as returned and revised by the board of assessors, showing, in a proper column to be ruled for that purpose, the names of the different owners, so far as known, to the said assessors; and in another column the amount of the valuation made in each case. Said books shall also have ruled therein an appropriate column for extending or inserting the amount of the tax which may be levied on said property. Said book or books shall, together, constitute the tax list of real estate

Personal prop-
erty.

for such year. The commissioner of taxes shall also enter in another book or books, to be prepared for that purpose, a complete list of the taxable, personal estate in said city, as returned and revised by the assessors, showing in the proper column the names of the different persons whose property has been assessed, and in other columns the valuations made by the assessors. Said books shall also have ruled therein an appropriate column for extending or inserting the taxes which may be levied thereon. Said book shall constitute the personal tax list for such year. The commissioner of taxes shall add up the valuations in each list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column on the last page. When said tax lists shall have been so completed, they shall be signed by said assessors or a majority of them and the tax commissioner, after having been ascertained to be correct, and left in the custody of said commissioner of taxes, and shall constitute the only record to be referred to in any case in which their said assessments may be drawn in question.

Record.

Levying money

§ 13. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized per centage) particularly specifying the purposes for which the same are levied.

Estimates.

§ 14. It shall be the duty of the commissioner of taxes to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed, the tax commissioner shall attach to each of said tax lists a warrant, to be signed by the mayor, comptroller and tax commissioner, and the city clerk shall affix the corporate seal and countersign the same directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or person in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

Comptroller.

§ 15. Said tax lists, with the warrants attached, shall be delivered to the collector by the comptroller, as heretofore, who shall in all things proceed as now required by law.

Perjury.

§ 16. Every person who shall be guilty of willful and corrupt false swearing or affirming, in taking any oath required by this chapter, shall be deemed guilty of willful and corrupt perjury, and shall be punished accordingly.

Modification.

§ 17. The common council, in order to remedy any unforeseen defect or omission, shall have the power at any time, upon the recommendation of the commissioner of

taxes, by ordinance, so to modify or add to the requirements of this chapter as to perfect the assessments to be made in said city for municipal purposes: *Provided, however,* that no such modification or addition shall be made unless at a regular meeting after due publication thereof, and then only by a vote of two-thirds of all the aldermen elected, said vote to be taken by ayes and noes, and entered on the minutes of the council; and in case the same is vetoed by the mayor, it shall require three-fourths of all the aldermen elected to pass the same over such veto. The board of assessors hereby created shall perform all the duties in relation to assessing property for the purpose of levying the taxes imposed by the common council. The assessors in the performance of their duties shall have the same powers and be subject to the same liabilities as are or may be given by law to town assessors, unless otherwise provided in this chapter. The state laws for the assessment of all taxable real and personal property now in force or that may hereafter be adopted, unless in conflict with this chapter or the acts to which this is an amendment, shall apply and govern in making municipal assessments.

Proviso.

Assessors—
liabilities of.

§ 18. Personal property shall be listed for municipal purposes with reference to the quantity on hand and owned, on the first day of April, in the year for which the property is required to be listed, including the property purchased on that day.

Listing personal
property.

§ 19. When any person shall commence merchandising in said city after the first day of April in any year, the average value of whose personal property employed in merchandising shall not have been previously entered on the assessors' list for taxation in said city, it shall be the duty of such person to make out a sworn statement of the probable average value of the personal property by him intended to be employed in such business until the first day of April thereafter, and deliver the same to the tax commissioner, who shall enter the same on the tax list of the proper division or district, and shall pay to the collector of said city a sum which shall bear the same proportion to the levy for all purposes on the average value so employed as the time from the day on which he shall commence merchandising aforesaid to the first day of April next succeeding shall bear to one year.

Merchandizing.

§ 20. When any person, firm or corporation shall commence or engage in the business of insurance, banking, dealing in stocks of any description, or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, or other kind of writing, obligatory or in any other business whatever, after the first day of April in any year, the average value of whose personal property so employed in such business shall not have been so entered on the assessors' list for taxation in said city, it shall be the

Banking, etc.

duty of such person, or firm, or such corporation, by its president, secretary, or principal accounting officer, to make a sworn statement, and deliver the same to the tax commissioner, giving fully the probable average value of the property by him, then or it intended to be employed in such business until the first day of April thereafter, which amount shall be entered on the tax list, and the tax collected as in other cases.

Neglect or refusal.

§ 21. Should any person, firm or corporation fail or neglect to make out sworn statements of their property, as required by the two preceding sections, and report the same to the tax commissioner, it shall be the duty of the assessors to assess them as therein required as nearly as may be, adding thereto ten per cent. in addition to the existing provisions of law.

Omissions—how corrected.

§ 22. If any real or personal property shall have been heretofore or shall hereafter be omitted in the assessment, or on which the city for any cause shall have failed to collect the tax of any year or number of years, the same, when discovered or ascertained, shall be assessed by the assessor for the time being, and placed on the assessment list with the arrearages of tax that should have been assessed, with six per cent. interest thereon from the time the same ought to have been paid.

CHAPTER II.

BOARD OF PUBLIC WORKS.

Commissioners.

§ 1. The board of public works shall consist of three commissioners, who shall be appointed on or before the first Monday of April next by the mayor of the city of Chicago, with the advice and consent of the common council, one from the south, one from the west, and one from the north divisions of said city, each of whom shall have been a resident of said city at least three years, and a resident freeholder in the division of said city for which he is appointed at least one year immediately preceding such appointment. Said commissioners when appointed shall hold their offices for term of years following: the one for the south division of said city for six years; the one for the west division of said city for four years; the one for the north division of said city for two years, and until the appointment and qualification of their successors. The term of office of one commissioner of said board shall expire every second year, so that one commissioner of said board shall be appointed every second year from the division of the city in which the commissioner resides whose term of office expires; such appointment being for the full term of six years. Should a vacancy occur, it shall be filled by appointment by the

Term of office.

Vacancy.

mayor, with the advice and consent of the common council, for the unexpired term.

§ 2. All acts or parts of acts now in force relating to the board of public works as now constituted, not inconsistent with the provisions of this act, are continued in force, and shall apply to the board of public works as provided for in this act, and all the powers and duties conferred therein on the present board shall be and are hereby conferred upon the board of public works as provided for by this act; and all acts or parts of acts inconsistent herewith shall be repealed from and after the first Monday of April, A. D. 1867, and all such acts and parts of acts to be continued in full force and effect until said date. The terms of office of the present board of public works shall expire on said day, or so soon as their successors are appointed and qualified after such date. The salary of the board of public works, as provided for in this act, shall be not less than three thousand dollars annually, to be fixed by the common council.

Previous acts.

Salary.

§ 3. The board of public works of said city are, in addition to the powers hereinbefore conferred, hereby authorized, from time to time, as it shall be deemed by them for the interest of said city, so to proceed to advertise for proposals for the construction or reconstruction or relaying of all or any portion of the sidewalks which may be required to be constructed or reconstructed or relaid during the whole or any part of the municipal fiscal year in which such proposals are received, according as the same shall be ordered by the common council, or by said board, according to the provisions of the act of which this is supplementary, the general provisions of said act relative to the letting of work and the execution of contracts, except so far as inconsistent with the powers hereby granted, to apply to this section.

Proposals.

Improvements.

§ 4. In case the prosecution of any public work should be suspended in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons, the board of public works may, if the common council shall, by resolution by a three-fourths vote of all the members elected, authorize them to do so, employ workmen and procure the necessary tools and machinery and materials to perform or complete any improvement ordered by the council: *Provided* the expense thereof shall not exceed five thousand dollars.

Suspension.

Continuance.

Proviso.

§ 5. The common council shall have power to cause public sewers to be constructed and laid in the streets and alleys and public grounds of said city; to establish or change the dock lines of Chicago river and of Chicago harbor, so as to facilitate navigation on the same; and to cause water and gas service pipes, with their necessary stop cocks and other fixtures, to be constructed and laid, so

Sewers

Harbor.

as to connect with the gas and water mains in the streets of said city.

Application for improvement.

§ 6. The provisions of the acts to which this is supplementary, as to the manner of making application for any improvement to be executed by said city, are hereby made to apply to the improvements specified in the foregoing sections.

Payment of improvements.

§ 7. After a street has been filled, curbed, macadamized or paved, or filled, curbed and graveled, it shall be lawful for the common council to provide for the payment of any subsequent improvement in whole or in part out of the general fund.

Alterations.

§ 8. When in any case it shall be deemed necessary, by the board of public works, to cause any sidewalk to be raised, lowered, repaired or relaid, or any private drain to be raised, lowered, repaired or cleansed, it shall be lawful for said board to require the owner of the premises in front of adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the board of public works may prescribe, upon written notice to that effect, or the board of public works may cause the work to be done and paid out of any moneys in the treasury at their disposal. Said board shall then report to the common council the amount of said expenditure, giving a description of the lots or premises liable therefor, and the amount for which each is chargeable. The common council shall thereupon assess the said expenses by an order, ordinance or resolution, upon such lots respectively, and the same may be collected by warrant and sale of the premises, as in other cases. In like manner, when the common council shall have ordered the construction, or reconstruction, or repair of any sidewalk, private drain, or gas or water service pipe, it shall be lawful for said board to cause the work to be done and paid for, as above, or by agreement with a contractor, payment to be made out of the special assessment to be levied for the same, and shall then report to the common council the cost and expense of said work, with all proceedings relative thereto, giving a description of the lots and premises to which said expense is chargeable, and the common council shall thereupon assess the said expenses upon such lots respectively, and the same may be collected by warrant and sale of the premises, as provided above. A suit may also be maintained against the owner of such premises for the recovery of such expenses, as for money paid and laid out for his use, and at his request. The common council may also, by ordinance, impose such penalties upon the owners aforesaid, for any neglect or refusal to comply with the aforesaid requirement, not exceeding twenty dollars for each days' neglect, as to the said common council shall deem most proper. All assessments authorized under this section, shall be collected

Assessments on premises.

by said city with damages at the rate of one per cent. a month thereon, for each and every month that any such assessment shall remain unpaid, thirty days after the time when public notice shall have been given by the city collector, that the warrant for such assessment has been received by him for collection.

§ 9. Section eleven of chapter ix of said act, approved February 13, 1863, is hereby so amended that in case of assessments made in accordance with the foregoing section, damages on any assessments which shall remain unpaid after the collector shall give public notice that he has received the warrant for its collection, shall begin to accrue at the rate of one per cent. a month, thirty days after the date of such notice. Amendment.

§ 10. It shall be lawful for the common council, on the recommendation of the board of public works, under the provisions of section thirty-eight of chapter vii, of the said act, approved February 13, 1863, to levy a tax for the whole or any part of the expense for any improvement of the character specified in said section. Levying a tax.

§ 11. Under the provisions of section thirty-four (34,) of chapter v, of the act to which this is supplementary, approved February 13, 1863, the common council is hereby authorized in the event that any improvement shall be ordered, after the making of the annual appropriation, some portion of the expense of which shall be assessed by the commissioners of the board of public works, on some lot or lots of land owned by said city, to appropriate and borrow money for the payment of such assessments, as is provided for other cases enumerated in said section. Borrowing money.

§ 12. For the purposes specified in chapter xv, of the act approved February 13, 1863, of which this is amendatory and supplementary, the said city shall have power to borrow, from time to time, a sum of money not exceeding one million of dollars, and to issue bonds therefor, and all the provisions of said act, as to the issue, custody and sale of water loan bonds and the custody and disbursement of the proceeds thereof, shall apply to the loan hereby authorized, except as herein otherwise provided. Amount borrowed.

§ 13. If, from any cause the city has heretofore, or shall hereafter fail to collect any tax on the general tax warrant of said city, in any year, or in case the receipt of the revenues of said city shall fall short of the amounts appropriated by the common council, it shall be lawful for the said council to authorize the mayor and comptroller, to borrow a sufficient amount of money to meet any such deficiency, for any length of time not exceeding the close of the next municipal year, and to issue and negotiate bonds or certificates of indebtedness therefor, which said amount shall be provided for in the annual appropriation bill of the municipal year next succeeding such loan. Bonds.

Tax warrant.

Application for
improvement.

§ 14. Upon receiving an application for the making of any improvement of any street, lane or alley, the said board shall proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council accompanied with a statement of the expense thereof, and a proper ordinance or order directing the work, and shall in such estimate, specify how much of said expense, in their opinion, may be properly chargeable to [the] real estate especially benefited by such improvement, and how much thereof may be properly chargeable to, and paid out of the general fund, or out of the proceeds of any general tax authorized to be levied by said city. Having reported on such application and recommending that the improvement be made, or disapproving of the doing of it, as is provided for in the above mentioned act, the common council may then, in either case, order the doing of such work or the making of such public improvement, after having first obtained from said board, an estimate of the expense thereof; and shall, in such order, specify what amount of said estimated expense shall be assessed upon the property deemed specially benefited, and what amount shall be chargeable to, and be paid in of the proceeds of the general fund, or out of the proceeds of any general tax authorized to be levied by said city.

Compensation
for aldermen.

§ 15. No alderman shall, during his continuance in office, receive any compensation for his services, or be appointed to, or competent to hold any office, the emoluments of which are paid from the city treasury, or paid by fees, in pursuance of any act or ordinance of the common council, and no member of the common council, or other city officer, shall be directly or indirectly interested in any contract, the expense or consideration of which is to be paid under any ordinance or resolution of the common council.

Power of as-
sessment ex-
tended.

§ 16. The power of assessment conferred by section one, of the act amendatory of the revised charter of said city, approved February 15, 1865, is hereby extended to, and made to include the laying or relaying of any gas or water service pipe, to be paid for wholly or in part, by special assessment, and the doing of which is within the authority and discretion of the municipal government of said city, and the commissioners of said board of public works, shall assess the amount directed by the common council to be assessed for any such improvement with the costs of the proceedings thereon, upon the real estate by them deemed specially benefited by such improvement, in proportion as nearly as may be to the benefit resulting thereto.

Taxation for
improvements.

§ 17. In case it shall hereafter be determined by judicial decision that any of the improvements authorized by law, or by this act, to be done or made by the city, can not be paid for in whole or in part by special assessment for benefit, then it shall be lawful for the common council, and they are hereby authorized to levy and collect taxes

for such purposes on all the property assessed in said city for taxation for general revenue purposes.

CHAPTER III.

BOARD OF POLICE.

§ 1. The board of police, in their annual estimate of police expenses, made to the city comptroller shall, if in their judgment, the public weal requires it recommend to the common council, such additional police patrolmen, and also, such additional number of sergeants, not exceeding twenty, as may be necessary. Board of police.

§ 2. The common council may, on such recommendation of said board, provide by ordinance, for such increase of the patrol force: *Provided, however,* it shall require three-fourth of all the aldermen elected to pass such ordinance, such vote to be taken by ayes and nays, and entered on the records of the council. Proviso.

§ 3. The board of police commissioners shall devote their entire time, if requisite, to the duties of their office, and shall receive an annual salary of not less than twenty-five hundred dollars, to be fixed by the common council. The superintendent of police, shall receive an annual salary of not less than three thousand dollars. The deputy superintendent shall receive an annual salary of not less than twenty-five hundred dollars. Each captain of police shall receive an annual salary of not less than fifteen hundred dollars. Each sergeant and policeman detailed as detectives, shall receive an annual salary of not less than twelve hundred dollars. Each patrolman shall receive an annual salary of not less than eight hundred dollars, nor more than one thousand dollars, the amount to be fixed by the board of police commissioners, with the concurrence of the common council, said salary so to be fixed, shall not be in any-wise, increased or diminished during the municipal year. Commissioner—
duties of.
Salary of police
officers.
No changes.

§ 4. The board of police commissioners may employ necessary clerks and fix their annual salary, to be paid out of the police fund. Clerks.

§ 5. It shall be lawful for the person designated by the board, as the custodian or depositor of stolen property, to sell the same, after due notice, at public auction, under and pursuant to such general orders and regulations as the board of police shall prescribe. The proceeds of such sales, after deducting the cost of storage, advertising, selling, and in case of animals, their keeping shall be paid over to the president of said board, to be by him paid into the city treasury, to the credit of the police, life and health insurance fund, as already provided by law. Stolen property.

§ 6. It shall be unlawful for any person other than a police officer or patrolman to wear a star or other similar Insignia of
office.

device, like that of a policeman, under a penalty of not less than twenty-five dollars, nor exceeding one hundred dollars.

FIRE DEPARTMENT.

Fire depart-
ment.

§ 7. The fire marshal, the assistant fire marshals, the members of the board of police, and such members of the fire department as the board of police may designate and appoint, shall be fire wardens, and shall have and exercise all the rights and powers and shall perform all the duties now conferred, exercised, imposed or required by law of fire wardens. The fire wardens are hereby authorized to enter upon and inspect any building, place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so.

Salaries of offi-
cers.

§ 8. The common council may, in the annual appropriation bill, by a vote of two-thirds of all the aldermen authorized to be elected, to be taken by ayes and noes, and entered upon the records of the council, on the recommendation of the board of police, fix the salaries of the members of the fire department at not exceeding the following sums respectively, per annum: Fire marshal, three thousand dollars (\$3,000); first assistant fire marshal, one thousand eight hundred dollars (\$1,800); second assistant fire marshal, one thousand six hundred dollars (\$1,600); third assistant fire marshal, one thousand four hundred dollars (\$1,400); engineers of fire engines, one thousand four hundred dollars (\$1,400); foremen of companies, one thousand two hundred dollars (\$1,200); fire policemen, nine hundred dollars (\$900); and watchmen of engine houses, seven hundred and twenty dollars (\$720).

Chimneys.

§ 9. The board of police are hereby empowered to regulate the construction of chimneys and to compel the cleaning thereof; to prevent the setting up or construction of boilers, stoves, ovens or other things, in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the sale or use of fire works in said city; to raze or demolish any building, wall or erection which, by reason of fire, or any other cause, may become dangerous to human life or health, or tend to extend a conflagration.

Grades in office.

§ 10. The board of police are hereby authorized to establish, by order or regulation, grades in the office of assistant fire marshals, to be known as first, second and third assistant fire marshals.

Duties of mar-
shals.

§ 11. It shall be the duty of the said assistants, if in their power, to attend all the fires happening in any division of the city, and in case of the absence of the fire marshal at any fire, it shall be the duty of the first assistant to take charge of the organization, and he shall have and ex-

ercise all the powers of the fire marshal ; and in case of the absence of both the fire marshal and first assistant, the second assistant shall have and exercise the duties and powers of fire marshal ; and in case of the absence of the marshal and first and second assistants, the third assistant shall be invested with the powers and perform the duties of fire marshal.

§ 12. The board of police may, two-thirds of the common council concurring, cause the ordinary repairs of fire engines, fire apparatus, and of the fire-alarm telegraph, to be done in any shop belonging to said city, and for that purpose may employ additional mechanics and provide additional tools and machinery, if absolutely required. Fire engines—
repairs of.

§ 13. The police commissioners of the city of Chicago are hereby authorized and required to make an investigation into the origin of every fire occurring in said city, and for that purpose they are hereby invested with the same powers and jurisdiction as are now possessed by the police justices of said city. Origin of fires.

§ 14. It shall be the duty of the common council, upon the recommendation of the Chicago board of underwriters, to appoint a qualified voter of the city of Chicago, when so recommended by said board of underwriters, whose duty it shall be to act with the board of police commissioners of said city, in all matters relating to the organization, government, appointment and discipline of the fire department in said city. The person appointed shall have the same powers and authority in reference to the fire department as is now by law conferred upon the several members of said board of police commissioners, but he shall have no authority or right to act as a member of said board for any other purpose than that herein specified. Underwriters.

§ 15. The person so appointed shall hold his office for one year from the date hereof, and until his successor is qualified and appointed, unless sooner removed by the said common council upon the recommendation of the said board of underwriters, and he shall take the same oath and make and execute the same bond to said city, in the same manner as the several members of said board of police commissioners are now required by law to do, and he shall, under the direction of the common council and the said Chicago board of underwriters, devote his exclusive attention to the interests of the said fire department. Term of office

Oath.
Duties.

§ 16. The salary of the persons appointed as herein provided, shall be fixed at the time of such appointment by the said board of underwriters, and the salary so determined upon shall be paid by the said board of underwriters in equal monthly payments, and no other or additional compensation shall be allowed by the common council to said commissioners for services rendered in accordance with the Salary.

provisions of this act, nor shall the city in any event be liable to said commissioner for his compensation for such services.

Qualification.

§ 17. When such appointment is made by the common council, the person so appointed, upon taking the prescribed oath and filing the bond required by this act, shall be deemed legally qualified, and shall at once enter upon the discharge of his duties as a member of said board of police commissioners in matters only pertaining to the fire department of said city.

Vacancy.

§ 18. In case of either the death, resignation or removal of the person so appointed, the common council shall fill the vacancy in the same manner as herein provided for the appointment thereof.

Repealed.

§ 19. All acts or parts of acts inconsistent herewith, are hereby repealed.

Number of fires

§ 20. In addition to the report now required to be made by the police commissioners to the common council, they shall make to the said council annually a report of the number and location of all fires occurring during each month of the year, the character of the buildings, for what purposes used, the amount of insurance on buildings and contents, with such other facts and practical suggestions as they may deem beneficial.

CHAPTER IV.

BOARD OF HEALTH.

Board of health

§ 1. The mayor of the city of Chicago, with six other persons to be appointed, on the passage of this act, by the judges of the superior court of Chicago, each of whom shall be a resident of said city, and three of whom, and no more, shall be physicians, shall constitute the board of health of the city of Chicago. Said board of health shall have, and there is hereby conferred on said board such powers and duties as may be necessary to promote or preserve the safety and health of the city, or improve its sanitary condition.

Powers of.

§ 2. Said board of health may enact such by laws, rules and regulations as it may deem advisable, in harmony with the provisions and objects of this act, and all acts the object of which is to promote and preserve the health, safety and sanitary condition of the city, now existing, or that may hereafter be passed, not inconsistent with the constitution and laws of this state for the regulation of the action of said board, its officers and agents in the discharge of its and their duties, and for the regulation of the citizens or public, and from time to time may alter, amend or annul the same.

Division into
classes.

§ 3. The six members appointed as herein provided, shall be divided into three classes: the first class shall hold office for two years, the second class for four years, and the third class for six years, and they shall determine by lot at the first meeting of said board which two of them shall hold

office for the respective terms of two years, four and six years. Vacancies occurring in the said board by the expiration of the term of office of either class, shall be filled by appointment by the judges of the superior court of Chicago for six years; any vacancy caused by either removal, resignation or death, shall be filled in like manner for the unexpired term. The members of said board appointed as herein provided, shall receive an annual salary of not less than five hundred dollars, to be fixed by the common council. Before entering upon the duties of their office they shall take the oath prescribed for state officers in the constitution of the state, and they shall also give bonds to said city in the sum of twenty-five thousand dollars each, conditioned for the faithful performance of their duties as members of the board of health, under the provisions of this act, said bonds to be approved by the judges of the superior court of Chicago, and filed with their oath of office, in the office of the city clerk, and in case of failure to comply with the requirements of this section prior to the first meeting of said board, the office of such member so failing to take the prescribed oath and give a bond, shall be deemed vacant, and shall be filled as in this act provided. The members of the board of health may be removed from office for like cause and in like manner as the board of police or the members of the board of public works.

Vacancies.

Salary.

Oath of office.

Bond.

§ 4. It shall be the duty of the board of health on or before the first Monday of April in each year, to report in writing the condition of the health department, and a statement of the expenditures of the health board for the year to the common council.

Reports.

§ 5. The said board of health shall meet at the office of the mayor of the city of Chicago, on or before the first Monday of April next, and organize by the election of one of their number president, and by appointing a competent person to be secretary of said board, and the successive presidents of said board of health shall be annually elected from the members thereof. The secretary shall keep a correct and complete record of all the acts, doings and proceedings of said board; he shall receive an annual salary to be fixed by the board, and shall hold office during the pleasure of said board, but shall not be a member thereof.

Organization.

§ 6. The board of police shall appoint such additional police patrolmen, to be subject to the rules and regulations of the police department, as the board of health may from time to time, in writing, request, to be detailed as a sanitary squad, and be paid out of the health fund, the length of time for which they are wanted to be stated in said written request.

Additional patrolmen.

§ 7. It shall be the duty of the board of health to prepare and submit to the comptroller, on or before the first day of May, in every year, an estimate of the whole cost

Financial report.

and expenses of providing for and maintaining the health department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid by said comptroller before the common council, with his annual estimate.

Amount.

The common council may provide for the amount so required in the general tax levy to be laid on said city. Said money shall be paid into the city treasury, and shall be styled the health fund, and shall be drawn out for health purposes on the warrant of the city comptroller, which shall be countersigned by the president, or acting president, of the board of health. The warrant of the comptroller shall not be drawn on said fund except on the certificate of the president, or acting president, of said board of health.

Health fund.

Warrants.

Pestilence.

§ 8. In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such a character as to warrant it, it shall be the duty of the said board of health to take such measures and to do and order and cause to be done such acts for the preservation of the public health, (though not herein or elsewhere or otherwise authorized,) as it may, in good faith, declare the public safety and health to demand.

Contingencies.

§ 9. The common council, for the purpose of providing for the contingency mentioned in the preceding section, may order the mayor and comptroller to borrow a sufficient amount to cover such extraordinary expenditure for a space of time not exceeding the close of the next municipal year, which sum, together with the interest, shall be added to the amount authorized to be raised in the next general tax levy and embraced therein.

Violations.

§ 10. Any person or corporation who shall violate any of the provisions of the health laws or ordinances of the city, or any of the by-laws rules or regulations of the board of health, in addition to existing penalties, shall be subject to a fine of not less than five nor more than five hundred dollars, and on failure to promptly pay the same, may be imprisoned in the county jail, bridewell or house of correction, as in other cases of failure to pay a fine, or such person may be both fined and imprisoned, in the discretion of the court or magistrate.

Previous laws.

§ 11. All laws or parts thereof relating to the health department of the city of Chicago, now in force, and not inconsistent with this act, are continued in force, and all powers therein conferred on the present board of health, not inconsistent herewith, are hereby conferred on the board of health of the city of Chicago, as provided for in this act: *Provided*, that nothing in this act contained shall be construed as in any manner giving to the said board of health any power or control as police commissioners over the police department of the city of Chicago.

CHAPTER V.

COMMON COUNCIL.

§ 1. The common council of the city of Chicago shall have power, by ordinance—

First.—To prevent the interment of the dead within the present or future limits of the city.

Second.—To provide for the vacation of the several cemeteries in said city, by the purchase and extinguishment of the titles of lot owners or otherwise.

Third.—To purchase grounds and erect thereon a city hall, and provide for the payment thereof by the issuing and negotiating of the bonds of said city, or by the levy and collection of taxes, or partly by both: *Provided, however,* that no such levy shall, in any one year, exceed two mills on the dollar, on the assessed value of the real and personal estate in the city made taxable by the laws of this state.

Fourth.—To provide for the inspection and regulation of stationary steam engines and boilers.

Fifth.—To appropriate, not exceeding ten thousand dollars (\$10,000) in any one year, from the city treasury, for celebrating the Fourth of July, for funeral occasions, and to defray the expense of entertaining official visitors of sister cities: *Provided, however,* such order or appropriation shall be passed only by the votes of at least three-fourths of all the aldermen elected, such vote to be entered, by ayes and noes, on the records of the common council.

Sixth.—To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges over the Chicago river and its branches.

Seventh.—To control and regulate the construction of buildings, chimneys and stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Eighth.—To cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Ninth.—To authorize the use of the streets and alleys in said city by railroad companies or city railway companies, for the purpose of laying tracks and running cars thereon: *Provided, however,* permission or authority shall not be given, nor shall any such grant or permission already given be extended, unless by vote [of] at least of three-fourths of all the aldermen elected, such votes to be entered, by ayes and noes, on the records of the council: *And, provided, further,* that no grant, consent, contract, or permission heretofore given or made, or hereafter to be made or given, shall in any case be extended until within one year of the expira-

Common council.

Interments.

Vacation of cemeteries.

City buildings.

Proviso.

Engines.

Fourth of July.

Proviso.

Speed of boats.

Erection of chimneys and stacks.

Tainted meats.

Railroad companies.

Proviso.

Proviso.

- tion of such grant, consent, contract or permission : *And, provided, further,* that in case of a veto by the mayor, any such grant or permission shall receive the votes of three-fourths of all the aldermen elected to take effect as an act or law of the corporation.
- Proviso.
- Gunpowder. *Tenth.*—To direct, regulate and prohibit the location and management of houses for the storing of gun powder or other combustible materials within the city, and within one mile of the limits thereof.
- Egress from halls, etc. *Eleventh.*—To declare that it shall be unlawful for any hall, theatre, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm.
- Steam whistles. *Twelfth.*—To control, regulate or prohibit the use of steam whistles within the limits of the city.
- Paying debts. *Thirteenth.*—To provide for the borrowing, from time to time, a sum of money not exceeding five hundred thousand dollars, in the aggregate, to pay existing debts incurred by said city for sewerage works, and to increase the sewerage works of said city : *Provided, however,* the said loan or loans shall be made in strict conformity with the provisions of chapter sixteen of the act of 1863, to which this is an amendment.
- Proviso.
- Cleaning streets. *Fourteenth.*—To direct and require the board of public works to let the cleaning of the streets, alleys, lanes and highways, or ordinary repairs of the same, or any portion or part thereof, to the lowest reliable and responsible bidder or bidders. The said letting and contracts to be in all respects governed by the provisions of the law in regard to the letting of contracts for improving the streets : *Provided, however,* it shall require two-thirds of all the aldermen elected to pass any such ordinance, such vote to be taken by ayes and noes, and entered on the records of the council.
- Proviso.
- Scavengers. *Fifteenth.*—To direct and authorize the board of health to let the scavenger work, night or day, or both to the lowest reliable and responsible bidder or bidders, or in case a proper contract can not be made, to authorize said board to do said work. Such letting to be governed in all respects, as nearly as may be, by the provisions of the charter in reference to the letting of street improvements.
- Concealed weapons. *Sixteenth.*—To regulate or prohibit the carrying or wearing, by any person, under his clothes or concealed about his person, any pistol or Colt or slung shot or cross knuckles or knuckles of lead, brass or other metal, or bowie knife, dirk knife or dirk or dagger, or any other dangerous or deadly weapons, and to provide for the confiscation or sale of such weapons.
- Seventeenth.*—To sell or otherwise dispose of any grounds heretofore purchased for a bridewell or house of correction.

Eighteenth.—To purchase grounds either within or without the corporate limits of said city, and erect the necessary buildings thereon for a city bridewell or house of correction. House of correction.

Nineteenth.—To provide for the payment of the land by the levy and collection of taxes, or the issue and negotiation of bonds, or partly by both. Payment of land.

Twentieth.—To adopt all necessary rules and regulations for the government of said institution and the proper discipline of the inmates thereof, and also to purchase all materials, tools and machinery necessary to secure the most beneficial results from the labor of said inmates. Discipline.

Twenty first.—To require the superintendent, warden or keeper to keep such book or books of account as shall fully and in detail show all the receipts and expenditures of said institution and to require a report of the condition thereof from time to time. Records of the institution.

Twenty second.—The common council shall have power to require the board of police commissioners to detail a sufficient number of men from the police force of the city to take charge of the public pounds of said city and to properly enforce the pound ordinances thereof, and to provide for the election or appointment of one or more pound keepers, and to provide for the payment of such pound keepers, either by salary or fees, or partly by both, and to make all necessary rules and regulations for the enforcement of any pound ordinance of said city. Public pounds.

Twenty third.—To allow dummies or steam engines to be used on the street railways of said city, by ordinance and contract with said railway companies, and to direct the kind of dummies to be used, the time and speed of running the same, and the price at which passengers shall be conveyed: *Provided*, the fare on such railways shall not exceed five cents for each passenger within the present or future limits of said city, nor exceeding eight cents from any point within such limits to any point not more than three miles outside such limits; also, at any time to order a partial or total discontinuance of the use of such dummies and steam engines in said city: *Provided, also*, that it shall require three-fourths of all the aldermen elected to pass any such ordinance or make any such contract; *And, provided, further*, that no privilege to use or run dummies or steam engines or other than horse motive power shall ever be allowed upon any street or horse railway, except the party or parties, company or corporations asking for such privilege shall first enter into and execute an irrevocable contract with the city of Chicago, with approved bond, in a sum not less than one hundred thousand dollars, to forever thereafter give and pay over into the city treasury, at the end of each and every month, one-fifth of each and every fare collected and received by said company, party or corporation from persons or passengers carried or transported over said railway, and for tickets and commutation; such Dummies.

Proviso.

Proviso.

Proviso.

Street railways.

monthly payments to be accompanied by a sworn statement of the president or secretary of the company, showing the actual amount received, during the month, by them for fares, tickets or commutations, and the books of said party, company or corporation to be thereafter, at all times, open to inspection by any duly authorized city official.

Slaughtering of animals.

Twenty-fourth.—That the common council shall have power and authority to regulate and control the slaughtering of all animals in the city, or within four miles thereof, intended for consumption or exposed for sale in the city, and to enforce, by additional ordinances, any regulation, contract or law heretofore made on the subject.

Changes in dock lines.

Twenty-fifth.—To adjust and settle with property owners any differences arising by reason of any changes made in the dock lines by the council on the Chicago river or its branches, if, in its discretion, the same may be deemed just and proper.

Necessary ordinances.

Twenty-sixth.—To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state for the good government and order of the city, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or of any officer of said city, by this act, and enforce observance of all rules, ordinances, by-laws, police, sanitary and other regulations made in pursuance of this act, or the act to which this is an amendment, the amendments thereto, or any other act concerning said city, by punishment, fine or imprisonment in the bridewell or house of correction, or both, in the discretion of the magistrate or court before which conviction may be had; *Provided, however,* such fine shall not exceed five hundred dollars, nor the imprisonment two years.

House of correction.

Lumber.

Twenty-seventh.—To prohibit the piling of lumber within the fire limits by a vote of two-thirds of all the aldermen elected.

CHAPTER VI.

MISCELLANEOUS.

Contractor liable for damages.

How recovered.

§ 1. Whenever any permit shall be issued by the board of public works, granting to any person or corporation the use or occupancy of any street, alley or highway, or part thereof, for building purposes; for the depositing therein of material, or other proper purpose, said board shall take from such person or corporation a bond in an adequate amount with two good and sufficient sureties, conditioned that such person or corporation shall be liable for any and all damages occasioned by such use or occupation, or resulting therefrom, and in every case of recovery and judgment against the city in anywise growing out of permitting or suffering such use or occupation, or which resulted therefrom, where due notice of the pendency of such suit has

been given, such judgment shall be conclusive not only as to the damages recovered, but as to the liability of the party or corporation and sureties.

§ 2. Whenever in any case any injury shall be sustained by any individual in consequence of any defect in or obstruction upon any sidewalk along the premises of a non-resident owner, whose duty it is hereby declared to be to keep the same at all times in a safe condition and in a good and thorough state of repair, and a suit for damages be commenced against the city, the city of Chicago may attach such premises and hold the same to abide the judgment in the case; and in case of a judgment being had therefor against the city, the city of Chicago may proceed under such attachment against said premises in the same manner as provided by law for creditors against non-resident debtors, and the judgment against the city shall be *prima facie* evidence in such suit or proceeding: *Provided, however*, that such non-resident owner may, by filing a bond, as in other cases of attachment, obtain a release of such premises from such attachment, and in case of such owner desiring a release of such premises before the determination of such suit against the city, he may do so upon giving and executing his bond, with security to be approved by the mayor, for the amount of damage claimed, conditioned to hold harmless the city against whatever judgment may be rendered in the case.

Injury sustained.

How recovered.

Attachment.

Proviso.

§ 3. Whenever any board or officer of the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public grounds of said city, there shall be inserted in said contracts substantial covenants, requiring such contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway or public grounds, for which the city might be liable, and also such other covenants and conditions as experience has or may prove necessary to save the city harmless from damages, and also to provide in such contracts that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result from the carelessness of such contractor, his agents, employees or workmen.

Letting contracts.

Accidents.

Security.

Liabilities.

§ 4. Whenever any work or improvement is let by contract to any person or persons, firm or corporation, the board or officers of the city letting the same shall, in all cases, take a bond from such person, persons, or firm or corporation, with good and sufficient sureties in such amount as shall not only be adequate to insure the performance of the work in the time and manner required in such contract, but also to save and indemnify and keep harmless the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence

Bonds.

Indemnity against carelessness.

of the granting of such contract, or which may in anywise result from the carelessness or neglect of said person, firm or corporation, or his or its agents, employees or workmen, in any respect whatever, and in every such case where judgment is recovered against the city by reason of the carelessness or negligence of such person, firm or corporation so contracting, or his, their or its agents, employees or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, firm or corporation, and his or their or its sureties on such bond, not only as to the amount of damages, but as to their liability.

Amount of
damages.

Deputy clerks.

§ 5. The city clerk shall be authorized to appoint one or more deputies, subject, however, to the approval of the common council. Such deputies, after confirmation by the council and after having taken the oath required to be taken by the clerk, may, in case of the sickness or absence of the clerk, perform all the duties imposed by law or any ordinance of the city on said clerk, and shall likewise be subject to the same liabilities and penalties. No ordinance shall be finally adopted by [the] common council until the same shall be engrossed by the clerk, unless otherwise ordered by three-fourths of all the aldermen elected, except such orders and ordinances as are sent to the council by the board of public works, relating to public improvements paid for by special assessments. The city clerk shall receive an annual salary of not less than twenty-five hundred dollars, nor more than three thousand five hundred dollars, to be fixed by the common council.

Duties of city
clerk.

§ 6. The clerk shall record all orders and ordinances passed by the common council, in a proper book or books, with proper indexes, and transcripts from such books certified by him, under the corporate seal, shall be evidence in all courts and places, in like manner as if the originals were produced.

Evidence of
validity.

§ 7. Every ordinance, resolution, order or by-law of the common council may be read in evidence in all courts and legal proceedings from the volume of ordinances published, or to be published, by order of the said common council, without any [other] proof of the passage or publication thereof; but such publication shall only be *prima facie* evidence of its passage, or that the same has been duly published in the corporation newspaper.

Land surveyors

§ 8. All land surveyors licensed by the board of public works, in pursuance of section six of chapter six of the revised charter, approved Feb. 13, 1863, shall have the same powers to make surveys within the county of Cook as they may have within the city of Chicago, and like effect and validity shall be given to their acts, plats and surveys as are or may be given to those of the county surveyor.

Powers of

§ 9. So much of section twenty-five of chapter six, section twenty-two of chapter ten, of section fourteen of chapter thirteen, of section thirteen of chapter fifteen, of the revised charter of said city, approved Feb. 13, 1863, and so much of section thirty-three of an act approved Feb. 16, 1865, entitled "An act to amend an act entitled 'an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof into one act,' and to revise the same," approved Feb. 13, 1863, as requires the warrants therein described to be countersigned by the president or acting president of the board of public works, the president or acting president of the board of police, the president of the board of education, the president or vice president of the board of guardians of the reform school, and by the president of the board of police and mayor, be and the same is hereby repealed.

Section of act
repealed.

§ 10. That the latter clause of section sixteen, chapter nineteen of the revised charter, approved February 13, 1863, be and the same is hereby so amended as to read as follows: "Fifteen cents shall be taxed to each lot against which judgment is rendered—five cents to be for clerk's and judge's fees, and ten cents for advertising notice of sale.

Clause amended

§ 11. In case of a vacancy occurring in any office created by this act, the mayor shall, by and with the advice and consent of the council, fill the same for the unexpired term if the same be not otherwise herein provided for.

Vacancies.

§ 12. All of the land now owned by the city in section twenty-seven (27), in township forty (40) north, range fourteen east, in Cook county, shall be added to and form a part of Lincoln Park, and for the purpose of connecting the same with said park, the city may acquire, by purchase, gift or condemnation, a strip of land not exceeding three hundred feet in width, lying between said land and said park; and in case it is necessary to condemn, the proceedings shall be conducted according to the provisions of the charter in relation to condemning lands for streets, but the damages allowed shall be wholly paid by taxation on the taxable property in the town of north Chicago, or by voluntary subscription.

Lincoln Park.

Condemnation.

§ 13. The proceedings, notices and ordinances of said city and the departments thereof, shall be published in the newspaper printed in the German language having the largest daily circulation in said city, as fully as they are now required to be published in the corporation newspaper: *Provided*, that in no judicial or other proceeding shall the publication in such German paper be called in question, either as to the fact of its publication, or to the correctness thereof.

Publication.

Proviso.

CHAPTER VII.

SCHOOLS.

- Schools. § 1. The common council shall have power, when requested by the board of education, to—
- School houses. *First.*—Erect, purchase or hire buildings suitable for school houses, and keep the same in repair.
- Sites for. *Second.*—Buy and lease sites for school houses, with the necessary grounds.
- Furniture for. *Third.*—Furnish schools with the necessary fixtures, furniture and apparatus.
- Payment of teachers. *Fourth.*—Establish, support and maintain schools, and supply the inadequacy of the school fund for the payment of the city teachers, erection and furnishing school buildings, from school taxes.
- School districts § 2. The board of education shall lay off and divide the city into school districts, and, from time to time, alter or subdivide the same or create new ones, as circumstances may require.
- School tax. § 3. The common council shall have power, annually, to levy and collect a school tax, including the amount levied for a sinking fund, not exceeding five mills on the dollar, on the assessed value of all real and personal estate in the city made taxable by the laws of this state, to meet the expenses of purchasing grounds for school houses, erecting and repairing school houses, supporting and maintaining schools, and payment of interest on school bonds; and the board of education are hereby authorized, unless prohibited by the common council, to continue the public schools notwithstanding any deficiency in the appropriation and tax levied for that purpose in any year; and to provide for the expense thereby incurred, the comptroller may, with the sanction of the mayor and finance committee of the common council, borrow the necessary money, which shall be repaid out of the school tax for the next year.
- Bonds. How levied.
- Continuation of schools. § 4. The superintendent of public schools shall receive such annual salary as shall be fixed by the board of education, at the time of fixing the teachers' salaries each year, which shall not be increased or diminished thereafter during the year.
- Salary of superintendent.
- City bonds. § 5. The common council shall have the power, and is hereby authorized, to provide, by ordinance, for issuing and negotiating the bonds of the city of Chicago, payable, principal and interest, in New York, in twenty years from date, and bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding five hundred thousand dollars, for the purpose of purchasing and improving school grounds and erecting or constructing school houses. Said bonds shall be in the ordinary form of bonds of said city, and shall be issued in
- Time.
- Interest.

denominations of five hundred or one thousand dollars each, as the mayor and comptroller may deem for the best interest of the city, and an annual tax of not exceeding one-fourth of one mill on the dollar, on the assessed value of all taxable real and personal estate in said city, shall be levied and collected as a sinking fund to pay said bonds at their maturity, and for the payment of such bonds as may have been previously issued for schools and school purposes. Such sinking fund, when collected, shall be invested, first, in school bonds, and if these can not be obtained, then in city bonds.

Denominations.

Sinking fund.

Board of education.

§ 6. It shall be the duty of the common council to provide for the issuing of as many of the said bonds as the board of education may require from time to time, and the proceeds of said bonds, when sold, shall be held as other school funds, and only paid out for permanent purchases or improvements of school grounds and the construction of new school buildings.

Collegiate degrees.

§ 7. The board of education shall have power to confer the usual collegiate degrees whenever they shall deem it best for the educational interests of the city, and to prescribe the necessary and proper rules for the same.

Clerk of board.

§ 8. The board of education shall elect, biennially, a clerk, whose office shall be denominated "Clerk of the Board of Education," and whose salary shall be fixed annually by said board. The duties of said clerk shall consist of keeping the records and minutes of the board, and, to be official, his signature must be attached to them on the books and records of the board. He shall also take general charge of the rooms of the board and the property contained therein.

Salary.

Duties of.

Evening schools

§ 9. The common council is empowered to establish evening schools, the same to be under the control of the board of education, and the funds for their support to be raised by special appropriation by the common council.

Conflicting laws repealed.

§ 10. All laws or parts of laws conflicting or inconsistent with these amendments are hereby repealed.

§ 11. This act shall be a public act, and be in force from and after its passage.

APPROVED March 9, 1867.

In force March 8, 1867.

AN ACT entitled an act to incorporate the city of Clinton.

ARTICLE I.

OF BOUNDARIES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Clinton, in DeWitt county, be and they hereby are constituted a body politic and corpo-*

Name and style rate by the name and style of the "City of Clinton," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of law and equity; and may have and use a common seal and alter the same at pleasure.

Boundaries. § 2. All that territory embraced within the following limits, to-wit: Commencing at the north east corner of the south west quarter of section twenty-six (No. 26), in township twenty (No. 20) north, in range two (No. 2) east of the third principal meridian, and running thence due south one mile; thence due west one and a quarter miles; thence north one mile; thence due east one and a quarter miles, to the place of beginning; shall be and the same is hereby declared to be within the limits of the city of Clinton.

Additions. § 3. Whenever any tract of land adjoining the city of Clinton shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the city of Clinton, and all parcels of land within the boundaries of the city, that are in extent ten acres and over shall be exempt from taxation for city revenue until the same shall be subdivided into lots of less than ten acres, and each lot, when so divided, shall be taxed as other city lots.

Powers of corporation. § 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity, and in all actions; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other purposes, for the use of said inhabitants of said city; to sell, lease and convey or dispose of property; and do all other things in relation thereto, as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

Council. § 1. There shall be a city council to consist of a mayor and board of aldermen.

Aldermen. § 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters thereof for one year, and until their successors shall be legally qualified.

Qualification. § 3. No person shall be an alderman unless at the time of his election he shall have resided within the limits of the city one year immediately preceding his election, and shall have the necessary qualifications to vote for state officers, to be a resident of the ward for which he is elected and a citizen of the United States.

Vacation. § 4. If any alderman shall, after his election, remove from the ward for which he is elected, or ceases to be a free-

holder in said city, his office shall be declared vacated. The mayor shall receive such compensation as the city council shall vote him, and the aldermen shall each receive not to exceed twenty-five dollars per annum for his services, to be paid from the city funds, until there shall be a population of five thousand in said city. Salary.

§ 5. The city council shall judge of the qualifications, Council elections. elections and returns of their own members and shall determine all contested elections under this act.

§ 6. A majority of the city council shall constitute a Quorum. quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 7. The city council shall have power to determine the Rules. rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

§ 8. The city council shall keep a journal of its proceedings, and from time to time publish the same; and the years and days, when demanded by any member present, shall be entered upon the journal. Journal.

§ 9. No alderman shall be appointed to any office under the authority of the city that shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected, nor shall he engage in any contract with said corporation while serving as such alderman. Restrictions.

§ 10. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

§ 11. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath, or make affirmation that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office according to the best of their skill and ability. Oath of office.

§ 12. Whenever there shall be a tie in an election of alderman, the judges of election shall certify the fact to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance. Ties.

§ 13. There shall be not less than twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council. Stated meetings.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER.

§ 1. The chief executive officer of the city shall be a The mayor. mayor, who shall be elected by the qualified voters of the city, and hold his office for one year, and until his successor shall be elected and qualified.

- Eligibility to office. § 2. No person shall be eligible to the office of mayor who shall not be a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or shall not at the time of his election be a citizen of the United States.
- Vacancy. § 3. If any mayor, during the time for which he shall have been elected, removes from the city or shall be absent from the city for the space of six months, his office shall be vacated.
- Contested election. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be determined by ordinance.
- Election. § 5. Whenever an election of mayor shall be contested the city council shall determine the same as may be prescribed by ordinance.
- Vacancy. § 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by election.

ARTICLE IV.

OF ELECTIONS.

- Election. § 1. On the first Monday of April next an election shall be held in each ward of said city for one mayor, one marshal, one street commissioner, one city surveyor, one treasurer, one police magistrate for the city, two aldermen for each ward, and forever thereafter on the first Monday of April, in each year, there shall be an election for one mayor, one marshal, one street commissioner, one city surveyor, one treasurer for the city, and for one alderman for each ward.
- Time. Officers. § 2. George W. Gideon, William Clagg, Henry Crosley, Orange L. Kirk and William W. Adams shall constitute a board of trustees for the said city of Clinton, and immediately after this act shall become a law shall divide the city into three wards, by lines running north and south and east and west, describing particularly the boundaries of each ward; the wards to be as nearly equal in population as practicable. The said trustees shall, by ordinance, provide for the first election of all officers to be elected under this act, shall canvass the votes and declare who are duly elected, and make return of the election to the clerk of the county court and the secretary of state of the election of mayor any police magistrate in the same manner that returns are made of the election of justice of the peace.
- Names of trustees. Wards. Canvassing the vote. § 3. All male inhabitants over the age of twenty-one years who are entitled to vote for state officers, and who shall have been actual residents of said city one year next preceding the election and who shall have paid such city tax as they may be subject to shall be entitled to vote for
- Qualification to vote.

city officers: *Provided*, that said voters shall give their votes in the wards in which they shall respectively reside.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

- § 1. The city council shall have power and authority to levy, assess and collect taxes for city purposes, upon all property real, personal and mixed, in said city, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinances not repugnant to the constitution of the United States or of this state; or the city council may, if they think proper so to do, adopt the annual assessment made of the property in said city by the assessor of the township in which said city is situated, and cause the same to be collected by the township collector. Taxes.
Rate.
Restrictions.
- § 2. If the city council of said city shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is to extend the tax by existing laws, notice of their intention so to do, which notice shall be a copy of their record, and also the rate of taxation, and upon the receipt of such notice the said tax shall be extended and collected and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for their services under this act as are allowed them for similar services under the revenue laws of the state: *Provided*, that nothing in this act shall be construed as to prevent the said city council from providing for the assessment and collection of such taxes by ordinance. Adoption of assessment.
How conducted.
Compensation
Proviso.
- § 3. The city council shall have power to appoint a clerk, city attorney and all such other inferior officers as may be necessary. Appointments
- § 4. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient; and also, to require all officers appointed as aforesaid, to take an oath or make such affirmation as the city council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall any sum or sums be borrowed as aforesaid, until after the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof; and if two- Inspection.
Bond.
Oath.
Proviso.
Special election

thirds of the legal voters of said city shall vote in favor of any such loan, the same may be negotiated, and not otherwise.

- Debts. § 5. To appropriate money and provide for the payment of the debts and expenses of the city.
- Sanitary measures. § 6. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city.
- Hospitals. § 7. To establish hospitals and make regulations for the government of the same.
- General health. § 8. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance within the city limits and within two miles of the same, and to prevent and to remove the same.
- Water. § 9. To provide the city with water; to erect hydrants and pumps, build cisterns and dig wells in the streets, for the supply of engines and buckets.
- Alterations. § 10. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.
- Bridges. § 11. To establish, erect and keep in repair bridges.
- Wards. § 12. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.
- Lamps. § 13. To provide for lighting the streets and erecting lamp posts.
- Police. § 14. To establish, support and regulate night watches.
- Markets. § 15. To erect market houses, to establish markets and market places, and provide for the good government and regulation thereof.
- Town buildings. § 16. To provide for all needful buildings for the use of the city.
- Public grounds. § 17. To provide for inclosing, improving and regulating all public grounds belonging to the city.
- Licenses. § 18. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers.
- Vehicles. § 19. To license, tax and regulate hackney carriages, wagons, carts and drays and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.
- Porters. § 20. To license, and regulate porters, and the rates of portage.
- Amusements. § 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Gambling. § 22. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses.
- Fires. § 23. To provide for the prevention and extinguishment of fires; to organize and establish fire companies.

§ 24. To regulate the fixing of chimneys, and to fix the Chimneys.
flues thereof.

§ 25. To regulate the storage of gunpowder, tar, pitch, Gunpowder.
rosin and other combustible materials.

§ 26. To regulate and order parapet walks and parti- Fences.
tion fences, and so restrain cattle, sheep and hogs from run-
ning at large.

§ 27. To establish standard weights and measures, and Weights and
to regulate the weights and measures to be used in the city, measures.
in all cases not otherwise provided for by law, and to order
all laws upon the subject to be enforced, and to enforce pay- Payment of
ment of fines for non-compliance with any such order. fines.

§ 28. To provide for the inspection and measuring of Lumber.
lumber and other building materials, and for the measuring
of all kinds of mechanical works.

§ 29. To provide for the inspection and weighing of Hay and coal.
hay and stone coal, measuring of charcoal, firewood and
other fuel, to be sold and used within said city.

§ 30. To provide for and regulate the inspection of Inspection of
tobacco and of beef, pork, flour and meal, and whisky in provisions.
barrels.

§ 31. To provide for and regulate the inspection of Butter, etc.
butter, lard and other provisions.

§ 32. To regulate the weight and quality of bread to be Bread.
sold and used in the city.

§ 33. To regulate the size of bricks to be sold and used Bricks.
in the city.

§ 34. To provide for taking enumeration of the inhabit- Census.
ants of the city.

§ 35. To regulate the election of city officers and to Election.
provide for removing from office any person holding an
office created by ordinance.

§ 36. To fix the compensation of all city officers, and Compensations.
to regulate the fees of jurors, witnesses and others for ser-
vices rendered under this act, or any ordinance made in pur-
suance thereof.

§ 37. To regulate the police of the city; to impose fines Police.
and forfeitures and penalties for the breach of any ordinance;
and to provide for the recovery and appropriation of such
fines and forfeitures, and enforcement of such penalties; Fines.
and all moneys collected under and by authority of any
city ordinance, shall be deemed and taken to belong to the
city and disposed of by the city council under the ordinances
of said city, for the general use and benefit thereof.

§ 38. The city council shall have exclusive power within Billiards.
the city, to license or suppress any billiard tables or bowling
alleys.

§ 39. The city council shall have power to make all Needful ordi-
ordinances which shall be necessary and proper for carrying nances.
into execution the powers specified in this act, so that ordi-

nance be not repugnant to nor inconsistent with the constitution of the United States or of this state.

Style of. § 40. The style of the ordinances shall be, "Be it ordained by the city council of the city of Clinton.

Publication of. § 41. All ordinances passed by the city council shall, within one month after they shall have passed, be published in some newspaper [published] in the city, or posted up in three of the most public places in the said city of Clinton, and shall not be in force until they shall have been published as aforesaid.

How proven. § 42. All ordinances of the city may be proven by the seal of the corporation, and when printed in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.

OF THE MAYOR.

The mayor. § 1. The mayor shall preside at all meetings of the city council, and in case of a tie shall have the casting vote, and in no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board.

Special meetings. § 2. The mayor or any two aldermen may call special meetings of the city council.

Duties of mayor. § 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances for the government of the city, he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation to be prosecuted and punished; he shall from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Information. § 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riots, to call out the militia to aid him in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or in carrying into effect any law or ordinance, and any person who shall not obey such a call, shall forfeit to said city a fine not exceeding ten dollars.

Penalties. § 5. He shall have power whenever he shall deem it necessary to require of any of the officers of said city, an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. Execution of acts.

§ 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine regulations thereof. Jurisdiction.

§ 8. He shall receive for his services outside of the city such salary as may be fixed by ordinance of the city. Salary.

§ 9. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of De Witt county, and on conviction shall be fined not exceeding two hundred dollars, and the court shall have power, on recommendation of the jury, to add to the judgment of the court that he be removed from office. Omission of duty.
Penalty.

ARTICLE VII.

ON PROCEEDINGS IN SPECIAL CASES.

§ 1. When it shall be necessary to take private property for opening, widening and altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken; and if the amount of said compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. Condemnation of private property.

§ 2. When the owners of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley upon condition to be prescribed by ordinance, but no compensation in such case shall be made to those whose property shall be taken, their tenants or others, for the opening, altering or widening such street, lane, avenue or alley, nor shall there be any assessments of benefits or damages that may accrue thereby to any of the petitioners. Petition.
Compensation.

§ 3. All jurors empaneled to inquire into the amounts of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing and signed by each juror. Duties of jurors

§ 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by any such Benefits.

opening, widening or altering such street, lane, avenue or alley.

Second inquest. § 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax. § 6. Upon a petition of two-thirds of the property holders, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley according to their respective fronts owned by them, for the purpose of draining, grading or planking sidewalks, and lighting such street, lane, avenue or alley: *Provided*, said tax shall not exceed in amount the cost of said sidewalks and lighting respectively, which tax shall be collected in the same manner as other city taxes.

Provis.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

Repairs of streets. § 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able-bodied male inhabitant in the city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay one dollar for each day so neglected or refused.

Road labor.

Exemption. § 2. The inhabitants of the city of Clinton are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

Commitments. § 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Annual statements. § 4. The city council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Appeals. § 5. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of said county of De Witt, and every such appeal shall be granted in the same manner, and with like effect, as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

How conducted.

Vacancy in office of mayor. § 6. Whenever the mayor shall absent himself from the city, or resign or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number as president, who shall be mayor *pro*

How filled.

tem. until the office shall be filled by election, as herein provided.

§ 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without proof. Public act.

§ 8. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed. Inconsistency.

§ 9. The city marshal or any other officer authorized to execute writs or any other process issued by any judicial officer in said city, shall have power to execute the same anywhere within the limits of the county of De Witt, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of De Witt county, with power to serve process and do all other acts that a constable may lawfully do, and receive the same fees as are allowed to other constables by law, and shall hold his office for one year, and shall give bond as other constables are required by law to give, which bond shall be filed in the office of the county clerk. City marshal.
Limits.
Powers specified.

§ 10. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and are hereby authorized and it is made their duty to arrest all persons who are violating or have violated any ordinance of the city or any law of the state, with or without process, and have them prosecuted therefor; and any person or persons who shall willfully interrupt or oppose them in discharge of the requirement hereof, shall be subject to the same penalties as though they had opposed or interrupted a marshal, sheriff or constable in the legal discharge of their duties. They shall moreover be exempt from jury duty and street labor or the payment of street taxes during their term of office. Ex officio officers.
Penalties.
Exemption.

§ 11. There shall be elected, at the first election for city officers, and every four years thereafter, one police magistrate, who shall hold his office for the term of four years and until his successor shall be elected and qualified. The mayor of the city, *ex officio*, and the said police magistrate shall have in their county the same jurisdiction, powers and emoluments as justices of the peace in this state, except when the city of Clinton shall be plaintiff, in which case their jurisdiction shall extend to any sum not exceeding the sum of two hundred and fifty dollars. The governor shall commission said mayor and the police magistrate, and each one shall execute and deliver unto the city clerk, within twenty days after his election, a bond to be approved by said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands under any judgment or otherwise by virtue of his said office, and that Police magistrate.
Powers.
How commissioned.

he will well and truly perform every act and duty enjoined on him by this charter or the laws of this state to the best of his skill and abilities; said bond shall be made payable to the city council of the city of Clinton for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate, or of said mayor while acting as a police magistrate; change of venue may in all cases be taken from the police magistrate to the mayor as, *ex officio*, police magistrate and from the mayor to the said police magistrate as aforesaid, and the practice and usages of the same shall be as in the justice's court.

Change of venue

Ex officio justices of the peace.

Powers.

Sale of liquors.

§ 12. The police magistrate and mayor of said city shall be, *ex officio*, justices of the peace of said county of De Witt, and shall have jurisdiction over the same matters and receive the same fees as are prescribed by law for other justices of the peace, but the extent of said jurisdiction as to the amount in controversy shall be governed by the act incorporating the city.

§ 13. No provisions of this act shall be construed as to authorize the sale of ardent spirits in less quantities than now provided by law, unless licensed so to do by the city council.

§ 14. This act to take effect and be in force from and after its passage.

APPROVED March 8, 1867.

In force March 8, 1867. AN ACT to amend "An act to incorporate the city of Sparta, in Randolph county," approved February 24th, 1859.

Subscription to railroad stock.

Proviso.

Payment of stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the city council be and they are hereby authorized to subscribe for shares of stock in any railroad company now chartered and organized or that may hereafter be chartered and organized under the laws of the state of Illinois, in any sum or sums, the aggregate of which shall not exceed the sum of one hundred thousand dollars, and which stock, so subscribed, shall be under the control of said city council or of any agent or agents that said city council may duly appoint, in all respects as stock subscribed by individuals: *Provided*, that when any stock is subscribed to any railroad company under this act, the time of the payment of the same shall be so fixed that not exceeding the sum of fifteen thousand dollars, of principal and interest, shall fall due in any one year.

§ 2. That for the payment of stock so subscribed the said city council is hereby authorized to issue to the railroad company the stock of which is so subscribed for, the

bonds of said city of Sparta, at par, bearing interest not exceeding ten per cent. per annum, payable annually, with interest coupons annexed, and executed by the mayor of said city of Sparta, and countersigned by the clerk of said city council, to an amount equal to the par value of the shares of stock subscribed, and to pledge the faith of the said city of Sparta for the annual payment of the interest and ultimate redemption of the principal; which bonds may run any period, not exceeding ten years, that the said city council may determine; said bonds to be payable on the first Monday of April, in whatever year they may be made payable.

§ 3. Said city council is hereby authorized and required to levy and collect a special tax upon all the taxable property in said city sufficient to pay the accruing interest annually, on any sum or sums said city council may subscribe to any railroad company and to pay the said subscription as it may become due, at a rate not exceeding fifteen thousand dollars, principal and interest, in any one year; said special tax to be levied and collected at the same time and in the same manner that other taxes of said city are levied and collected; and, when collected, shall be applied to the payment of the amount, interest and principal, of said bonds as fast as they shall fall due, and to no other purpose whatever, until the whole of said bonds, so issued, with the interest due thereon, are paid in full. And the said city council shall have the same rights, powers and remedies to enforce the collection of said special tax, by the sale of property, and otherwise, as is now provided for the collection of other taxes for revenue and other purposes. Special taxes.

§ 4. That before the stock aforesaid shall be subscribed or any part thereof, an election shall be held to ascertain whether the citizens of the said city of Sparta are desirous that such subscription be made, which said election shall be called by the city clerk, when so directed by the city council, and shall be held and conducted and the returns thereof made in like manner as is now provided for the election of the officers of the said city. Elections for subscriptions.

§ 5. The vote at said election shall be by ballot, upon which shall be printed or written, or partly printed and partly written, "For ——— railroad, (specifying what railroad) \$——," (specifying how much), or, "Against the ——— (specifying what) railroad." If it shall be found that a majority of the legal voters of said city voting upon the questions have voted for the railroad the amount to be subscribed to such railroad company shall be the greatest sum for which there shall be the greatest plurality of votes in the ballot so taken. And in case there shall be no affirmative majority vote for the railroad at the first election called for such purpose, other elections may be called for a like purpose, whenever the mayor and city council shall be Manner of voting.

Petitions for
elections.

petitioned so to do by at least fifty of the legal voters of said city, not exceeding three times in each year, until an affirmative vote may be had for the railroad voted for by a majority, as aforesaid. Such subsequent elections, when called, shall be conducted in the manner herein provided for the first election. In case a majority of the voters voting at any such subsequent election for the railroad voted for, the amount to be subscribed shall be ascertained, as aforesaid; and such sum shall be the true amount authorized by said city to be subscribed to such railroad company; which subscription, when thus ascertained, the mayor of said city shall duly subscribe for such stock to said railroad company; and, when so made, such subscription shall be binding upon said city of Sparta forever.

Bonds.

§ 6. The bonds which shall be issued under the provisions of this act shall be issued for any sum not less than one hundred dollars each, and, in the aggregate, not to exceed the amount of stock subscribed to said railroad company under this act.

Section 16, of
article 5, amended.

§ 7. That section (16) sixteen, of article (5) five, of said act, be amended, by striking out the words "one-half of," so that said section will read "not exceeding one per cent. per annum upon the assessed value thereof," etc.

§ 8. That this act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED March 8, 1867.

In force February
27, 1867.

AN ACT to incorporate the city of El Paso.

ARTICLE FIRST.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the city of El Paso shall embrace and include within said city, subject to its jurisdiction, charter and ordinances, the following lands and territory, to-wit: All of section five (5), east half of the northeast quarter of section six (6), east half of the southeast quarter of section six (6), east half of the northeast quarter section seven (7), north half of section eight (8), west half of the northwest quarter of section nine (9), west half of the southwest quarter of section four (4), and west half of the northwest quarter of section four (4); all in township number twenty-six (26) north, of range number two (2) east of the third (3d) principal meridian, in the county of Woodford and state of Illinois, with such other additions of land as may be in-

Additions.

corporated with and come under the jurisdiction of said city.

§ 2. The inhabitants of said city shall be a corporation, by the name of the "City of El Paso;" and by that name shall have perpetual succession; sue and be sued, and complain and defend in any court; may make and use a coramon seal, and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same, for the benefit of the city.

Name and style

Powers of corporation.

§ 3. The city of El Paso shall be divided into two (2) wards, the boundaries of which shall be fixed by the city council, and shall be by the city council changed, from time to time as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

Wards.

Changes.

Additional wards.

ARTICLE SECOND.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor and collector, a city surveyor and engineer and a city supervisor, who, in addition to the duties prescribed by this article, shall perform such duties as may be prescribed by ordinance, and who, in addition to the township supervisor, to which the township of El Paso is now entitled, under the general township organization laws, shall be a member of the board of supervisors of Woodford county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be possessed and enjoyed by the several township supervisors of the said county of Woodford. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance.

City council.

City officers.

Supervisor.

Powers of.

Additional officers.

§ 2. The annual charter election of the city of El Paso, of all officers of said corporation required to be elected by the charter of said city or any ordinance thereof, shall be held on the first Monday of April, in each year, and upon that day the mayor, the city clerk, the city marshal, the city assessor and collector, the city treasurer, and supervisor, and the city attorney, shall be elected by the qualified voters of said city. There shall also be elected, at the same time, in each ward, by the qualified voters thereof, two

Charter election.

Aldermen.	aldermen, to represent such ward in the city council. All officers elected or appointed under said charter, except aldermen, shall hold their office for one year, and until the election or appointment and qualification of their successors respectively.
Regulations.	All other officers mentioned in said charter, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the second Monday of April in each year, or as soon thereafter as may be.
Policemen.	But the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council, and subject to removal from office by the mayor, for good cause.
Vacancies.	All officers elected or appointed to fill vacancies, shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.
Ward representation.	§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward, who shall be <i>bona fide</i> residents thereof, and hold their offices for two years from and after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one alderman from each ward, so that one from each ward shall be annually elected. At the first meeting of the city council, after the annual election, in April, 1868, the aldermen shall be divided into two classes, by lot: the terms of office of those of the first class shall expire in one year, and of those of the second class in two years: <i>Provided</i> , that the present president and trustees of the town of El Paso shall hold over, the said president holding over as the mayor of said city of El Paso and the said trustees as the aldermen of said city, two trustees representing, as near as may be, each ward, until the first Monday in April, A. D. 1868, when the first election for mayor and aldermen of said city shall take place.
Division.	
Election.	
Proviso.	
Regulations.	
Quorum.	§ 4. If from any cause there shall not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, for any cause, the officers herein named shall not be appointed on the second Monday of April, in each year, the city council may adjourn, from time to time, until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the city council may forthwith order a new election.
Vacation of office.	
New election.	
Removal from office.	§ 5. Any officer, elected or appointed to any office, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected; but no officer shall be removed, except for good cause, nor unless first furnished with the charges against him, and heard in his

defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within two days, to hear and determine upon the merits of the case; and, if such officers shall neglect to appear and answer to such charge then the city council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed, at any time, by a vote of two-thirds, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges when preferred.

Witnesses.

Proviso.

Two-thirds vote

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman such vacancy shall be filled by a new election, and the city council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the time has expired.

Vacancy in the office of mayor

Special election

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act; but no person shall be eligible to any office under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand is made, to account for and pay over to the party authorized to receive the same any public money which may have come into his possession; and if any person holding any such office or place within the city shall become a defaulter, while in office, the office or place shall thereupon become vacant.

Qualifications of citizens.

Disqualification

§ 8. When two or more candidates for any elective office, shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

Tie votes.

ARTICLE THIRD.

§ 1. A general election of all the officers of the corporation, required to be elected by this act or ordinance of the city, shall be held in each of the wards of the city on the first Monday in April, in each year, at such places as the city council may appoint, and of which thirty days' previous public notice shall be given, by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk: *Provided*, no mayor or alderman or police magistrate shall be elected for said city until the first Monday

General election.

Time.

Notices.

Proviso.

in April, 1868, except to fill vacancy occurring by death, resignation or refusal to serve.

Election—how
conducted.

Proviso.

Oath.

Returns.

Qualify.
Proviso.

Disqualification
from voting.

Oath.

Proviso.

Place of election

Penalties.

§ 2. The manner of conducting and voting at the elections held under this act and contesting the same, the keeping the poll lists, the canvassing the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections, and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same power and authority as the judges of the general elections. After the closing of the polls the ballots shall be counted, in the manner provided by law, and the returns shall be returned, sealed, to the city clerk, within three days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and, unless such person shall qualify within twenty days thereafter, the office shall become vacant: *Provided*, that the general registry law approved February 15, 1865, shall apply to said city elections.

§ 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and been a resident of said city, thirty days next preceding such election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote, for thirty days previous to such election, and, if required by any judge or qualified voter, shall take the following oath, before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution,) and have been a resident of this state one year, and a resident of this city thirty days immediately preceding this election, and am now, and have been for the last thirty days past a resident of this ward, and shall have not voted at this election: *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

§ 4. No election shall be held in any grog shop or other place where intoxicating liquors are vended by retail.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested on civil process within said city upon the day on which said election is held. And all persons illegally voting at any election held under this act or ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

ARTICLE FOURTH.

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath of office.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office, as an efficient and faithful discharge thereof may require. He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed, within this city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. Oath of mayor.
Duties of mayor
Punishment of violations.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in the enforcing the laws of the state or the ordinances of the city, and, in case of riot, to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine, not less than five dollars. Enforcement of ordinances.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof. Inspection of accounts.

§ 5. He shall be liable to indictment in the circuit court of Woodford county for palpable omission of duty, willful oppression, and mal-conduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine, not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to add, as part of the judgment, that he be removed from his office. Omission of duty.
Amount of fine

§ 6. He shall receive such salary as may be fixed by ordinance, not exceeding six hundred dollars per annum. Salary.

§ 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof he shall sign the same, and such as he shall not approve he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by Signing ordinances.

- which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the city council shall agree, by the ayes and noes, which shall be entered on the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days, after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall, *ex officio*, have power to administer any oath required to be taken by this act, which shall be good and valid in law.
- Reconsideration.** § 8. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence, or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy shall be filled by a new election.
- Time limited.**
- Ex officio.**
- Vacancy.**
- Acting mayor.**
- Members of the council.** § 9. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office.
- Ex officio.**
- Exemption.**
- Corporate seal.** § 10. The clerk shall keep the corporate seal and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall, likewise, draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall, also, keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.
- Evidence.**
- Accounts.**
- City attorney.** § 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council, or its committees: *Provided, however*, that the offices of city clerk and city attorney may be vested in the same person.
- Regulations.**
- City treasurer.** § 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the clerk, and such war-
- Regulations.**
- Warrants.**

rant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and, also, the state of the treasury; which account shall be filed in the office of the clerk. Report.

§ 13. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines, or otherwise. He shall possess the same power and authority of a constable at common law and under the statutes of the state, and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof, but he shall not serve and execute civil process, other than for the city, without the consent of the city council of said city. City marshal. Collection of licenses. Bond. Execution of processes.

§ 14. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services, as the city council shall direct and prescribe. He shall possess the same powers, in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council and approved by them, or they shall not be valid. City engineer. Surveys. Public works. Boundaries.

§ 15. The assessor and collector shall perform all duties in relation to the assessing of property, for the purposes of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed or ordained by the city council. Powers. Liabilities. Collection of assessments.

Supervisor.

§ 16. The supervisor shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, re-laying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and, upon the failure of any person to comply with such notice, to cause the same to be laid, re-laid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council.

Grading.

Apportionment
of costs.

Estimates.

Disbursements.

Further duties.

§ 17. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of El Paso, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over and deliver all moneys and other property received by them, which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office.

Bond.

Default in office.

§ 18. If any person, having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description, in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office in the manner prescribed by the laws of the state.

Penalty.

Officers—how
commissioned.

§ 19. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and clerk.

ARTICLE FIFTH.

- § 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.
- § 2. No member of the city council shall, during the period for which he is elected, receive any compensation for his services or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract, the expense or consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily.
- § 3. The city council shall hold twelve stated meetings, one in each month during the year, and the mayor and any two aldermen may call special meetings, by notice to each of the members of the council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings and be the judges of the election and qualifications of their members, and shall have power to compel the attendance of absent members.
- § 4. The city council shall have the control of the finances and of all the property, real, personal and mixed, belonging to the corporation; and shall likewise have power within the jurisdiction of the city by ordinance—
- First.*—To regulate agencies of all insurance companies, and to license, tax and regulate agents of all such insurance companies doing business in said city.
- Second.*—To suppress, restrain, abate or prohibit, within said city and within two miles of the limits thereof, disorderly houses, tippling houses, and groceries, and bawdy houses, houses of ill-fame, gambling houses and all riotous and disorderly assemblages.
- Third.*—To suppress and punish vagrancy; to define what acts shall constitute vagrancy and who shall be deemed vagrants.
- Fourth.*—To regulate all cemeteries or burying grounds within two miles of the city, and to punish, by fines, penalties or imprisonments, all persons who shall trespass upon or desecrate the same, or violate the provisions of any ordinance in relation thereto, in the same manner as if the offence were committed within the city.

City council.
Meeting.Casting vote.
Quorum.

Compensation.

Restrictions.

Stated meetings

Notices.

Proceedings.
Absent members.

Control of finances.

Insurance companies.

Disorderly houses.

Vagrancy.

Burying grounds.

- Borrow money.** *Fifth.*—To borrow money on the credit of the city and issue the bonds of the city therefor; but no sum of money
- Rate of interest.** shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed or be at any time outstanding the interest upon the aggregate of which shall not exceed one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; and no bonds shall be issued at less than par value, nor negotiated at less than ten
- Appropriation.** per cent. less than their par value. The appropriation of the city council for payment of interest for improvements and for city expenses during any one fiscal year shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding, but the city council may apply any surplus money in the treasury to the extinguishment of the city debt or to the creation of a sinking fund for that purpose, or to the carrying on of public works of the city, or to the contingent fund for the contingent expenses of the city.
- Surplus money.** *Sixth.*—To appropriate money and to provide for the payment of the debts and expenses of the city.
- Contingent fund** *Seventh.*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.
- Debts and expenses.** *Eighth.*—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances and punish the authors thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.
- Sanitary measures.** *Ninth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, by hydrants and reservoirs, in the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.
- General health.** *Tenth.*—To have the exclusive power and control over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions therein; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and to prevent the incumbering thereof in any manner, and to protect the same from any encroachment or injury.
- Nuisances.** *Eleventh.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same or wall
- Water.**
- Fires.**
- Exclusive control of streets.**
- Alterations.**
- Sidewalks, etc.**

them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Twelfth.—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof; and, from time to time, create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks. Lighting streets
Gas.

Thirteenth.—To establish and to erect markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city and the continuation of such as are already erected within the same. Markets.
Regulation.

Fourteenth.—To provide for the inclosing, regulating and improving of all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds. Public grounds.

Fifteenth.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals.

Sixteenth.—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt, and other rubbish away from the sidewalks and street gutters in front of the premises occupied by them. Obstructing streets.

Seventeenth.—To license, tax and regulate merchants, commission merchants, inn keepers, brokers, money brokers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn brokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements. Licenses.

Eighteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses. Licenses.

Nineteenth.—To license, tax, regulate, prohibit and suppress billiard tables, ten pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and series, bawdy houses, gaming and gambling houses, and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming: *Provided*, the provisions of the charter shall not be so construed as to deprive the circuit court of Woodford county of jurisdiction to Billiards, etc.
Disorderly houses.
Gambling.
Proviso.

Violations.	try and punish persons who shall, within the corporate limits of said city, violate the provisions of the one hundred and twenty-seventh, the one hundred and twenty-eighth, and the one hundred and thirtieth sections of the criminal code, as contained in the Revised Statutes of 1845.
Criminal code.	
Proper licenses.	<i>Twentieth.</i> —To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than two dollars nor more than five hundred dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers, inn keepers or others, shall be issued for less than fifty dollars.
Time limited.	
Fees.	
Liquors.	<i>Twenty-first.</i> —To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, the guardian, master or mistress.
Penalties.	
Forestalling.	<i>Twenty-second.</i> —To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.
Inspection of meats.	
Butchers.	<i>Twenty-third.</i> —To regulate license and prohibit butchers, and to revoke their licenses for mal-conduct in the course of trade.
Weights — inspection of.	<i>Twenty-fourth.</i> —To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders or dealers in merchandise, on property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.
Measurement of lumber.	<i>Twenty-fifth.</i> —To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.
Weighing hay, etc.	<i>Twenty-sixth.</i> —To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.
Inspection of pork, etc.	<i>Twenty-seventh.</i> —To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and

other liquors, to be sold in barrels, hogsheads and other vessels and packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Appointment of weighers.* *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Twenty-eighth.—To regulate the weight and quality of bread to be sold or used within the city. *Bread.*

Twenty-ninth.—To regulate the size and quality of bricks to be sold or used within the city and the inspection thereof. *Bricks.*

Thirtieth.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers. *Police.*

Thirty-first.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place within the city. *Disturbances.*

Thirty-second.—To prohibit, prevent and suppress horse-racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets. *Horse racing.* *Fastening animals.*

Thirty-third.—To restrain and punish vagrants, mendicants, street beggars and prostitutes. *Vagrants.*

Thirty-fourth.—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats, ducks and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. *Animals at large.* *Penalties.*

Thirty-fifth.—To prohibit and restrain the rolling of hoops, flying of kites and other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise. *Rolling hoops, ringing bells, blowing horns, crying goods.*

Thirty-sixth.—To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient. *Nuisances.*

Thirty-seventh.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease. *Necessary regulations.*

- Cleansing build-
ings. *Thirty-eighth.*—To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, or blacksmith shop, tannery, stable, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.
- Location and
construction of
buildings. *Thirty-ninth.*—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering houses, establishments for straining or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places, where any nauseous, offensive or unwholesome business may be carried on.
- Distilleries,
rendering
tallow, etc.
- Interments. *Fortieth.*—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for their default in the premises.
- Bills of mor-
tality
- Census. *Forty-first.*—To provide for the taking an enumeration of the inhabitants of the city.
- House of cor-
rection. *Forty-second.*—To erect and establish a work-house or house of correction, make all necessary regulations therefor, and all necessary keepers or assistants. In such work-house or house of correction may be confined all vagrants, stragglers, idle or disorderly persons, who may be committed thereto by any proper officers; and all persons sentenced by any criminal court or magistrate in and for the city or for the county of Woodford, for any assault and battery, petit larceny or misdemeanor, punishable by imprisonment in any county jail, and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Woodford county, be kept therein, subject to labor and confinement.
- Commitments.
- Hard labor. *Forty-third.*—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.
- Destitute chil-
dren. *Forty-fourth.*—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.
- Owners of prop-
erty to pay for
improvements.

Forty-fifth.—To direct and control the laying and construction of railroad tracks, bridges and turnouts, and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys, and ditches and sewers and culverts, where the city council shall deem necessary, and to prohibit the obstruction of street crossings by railroad trains and cars; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portion of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Railroads.

Interference.

Repairs.

Crossings.

Obstructions.

Speed of cars.

Forty-sixth.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States and of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or workhouse, or both, in the discretion of the court or magistrate before whom conviction may be had. But no fine or penalty shall exceed five hundred dollars nor the imprisonment six months for any offence; and such fine or penalty may be recovered, with costs, in an action for debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and, in default thereof, may be imprisoned in the county jail, city prison or workhouse, or required to labor on the streets or the public works of the city, for such time and in such a manner as may be provided by ordinance.

Repeals.

Enforcement of ordinances.

Punishment.

Amount of fine.

Commitment.

Hard labor.

ARTICLE SIXTH.

§ 1. The city council shall have power, within the city, by ordinance:—

Powers of the council.

First.—To levy and collect, annually, taxes, not exceeding five mills on the assessed value of all real and personal property of the inhabitants thereof made taxable by the

To levy taxes.

laws of the state for state purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for; which taxes shall constitute the general fund.

Payment of interest.

Second.—To levy and collect taxes, not exceeding five mills to the dollar, per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city. And the city council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provisions for levying the tax sufficient to meet the payment of the interest accruing thereon, when payable.

City hall and other buildings.

Third.—To annually levy and collect taxes on all property subject to taxation, when required, for the erection of a city hall, markets, hospitals, city prison or workhouse, the purchase of market grounds, public squares or parks, or any other public improvement: *Provided*, the estimated cost of a city hall, workhouse or market house may be apportioned by the city council, and collected by a series of annual assessments. But the cost of market grounds, markets, public squares or other improvements may be levied and collected upon all real estate and other property in the

Annual assessments.

Local improvements.

natural divisions of the city in which they are located. No local improvement, under this section, shall be ordered in any division, unless a majority of the aldermen thereof shall vote in favor of the same. But no tax or taxes shall be levied in any one year under this section which shall exceed five mills on the dollar on the property assessed for any or all purposes herein specified. The revenues arising from such market or other improvements shall be applied to the liquidation and costs thereof, and taxes shall be levied and collected to make up the deficiency.

Revenue.

Expenses of lamp posts.

Fourth.—To levy and collect, upon all property in such districts as they shall from time [to time] create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps and lighting the streets in such districts; and the tax thus collected shall be exclusively expended for such purposes in the district paying the same.

Road labor.

Fifth.—To require (and it is hereby made the duty of) every male resident of the city, over the age of twenty-one years and under the age of sixty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof three dollars: *Provided*, the same shall be paid within ten days after notification by the supervisor. In default of payment, as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same.

Proviso.

Penalty.

ARTICLE SEVENTH.

§ 1. The city council shall have power, from time to time, to cause any street, alley or highway to be graded, re-graded, leveled, paved or planked, and keep the same in repair, and alter and change the same. Changing streets.

Second.—To cause side and crosswalks, main drains and sewers and private drains to be constructed and laid, re-laid, cleansed and repaired, and regulate the same.

Third.—To grade, improve, protect and ornament any public square or other public ground, now or hereafter laid out. Public square.

Fourth.—The city council shall have power to assess and collect of the owners of lots or real estate on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, a tax for the purpose of grading, paving or planking such street or other highway: *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed. Additional assessments.

§ 2. That, for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains having reference to a general plan of drainage by sewers and drains for the whole city and number and record the same. Sewerage.

§ 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such districts, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar, per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains, which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may, from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable, in principal and interest, from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers and collect the same by a series of annual assessments; but no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid. Petitions.
Improvements.
Lien on estate.
Apportionment.
Special tax.

Owners of lands
to conduct im-
provements.

§ 4. All owners or occupants of lots or lands in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains communicating with any main drain, to be constructed, graded, repaired, re-laid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained or otherwise improved, shall make, grade, repair or re-lay such sidewalk, or make, repair or cleanse such private drains, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, re-laid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense thereof, by an order, to be entered in their proceedings, upon the lots and lands, respectively, and collect the same, by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses, as for money paid and laid out to his use, at his request.

Time limited.

Collection.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section; such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may, in like manner, be brought for such expenses, against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Nuisances.

Keeping prop-
erty clean.

§ 6. The city council shall have power to compel the owners of lots or ground fronting or adjoining any private or public alley to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the cost thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE EIGHTH.

Assessment
lists.

§ 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

Annual assess-
ment lists.

§ 2. The annual assessment list shall be returned by the assessor on or before the first Monday in August, in each year, but the time may be extended by order of the city council. On the return thereof the city council shall fix a

day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor with instructions to revise and correct the same.

§ 3. When the assessment lists have been corrected and revised the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof shall be entered by the clerk. The city council shall, thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and, if not for general purposes, the division of the city upon which the same are laid.

Revision of
lists.

General purpo-
ses.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council, under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, in the same manner as is prescribed by the laws of the state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

Liens.

Time.

Warrant.

Seizure of pro-
perty.

Proviso.

Time—injunc-
tion.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto; each column shall be headed with the name of the tax therein set down.

Delinquent tax
payers.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not

Collection war-
rants—how
signed.

Time.

Suit in corporate name.	otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit, in the corporate name or by distress and sale of personal property, as aforesaid,
Proviso.	after a demand and refusal to pay the same: <i>Provided</i> , a notice published by the collector for ten days in the newspaper printing the ordinances of the city shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall, in all cases, be evidence on the part of the city corporation.
Evidence.	§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants, and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: <i>Provided</i> , the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.
Taxes—how collected.	§ 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within two years after the confirmation of the assessment by the city council. Before any such sale, an order shall be made by the city council, which shall be entered at large in the journals or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made—a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale may be made.
Payment to the treasury.	§ 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises, by figures or otherwise, with the name of the owner (when known), and the several amounts of taxes and assessments thereon, and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings may be stopped at any time, on the payment of the taxes or assessments and interest, with expenses of advertising.
Default.	§ 10. All sales shall be conducted in the manner required by law; but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes and assessments thereon, with interest and costs of sale. Duplicate certifi-
Non-payment of taxes—proceedings in relation to.	
Advertisement.	
Sales—how conducted.	

cates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the clerk; which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

§ 11. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as allowed by law in cases of sales of real estate for taxes, on the payment, in legal tender currency, of double the amount for which the same was sold and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert* or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Redemption—
how conducted

Proof of loss.

Deed.

Abstract.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.

Deed may be
made to the
assignee

§ 13. If, at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

§ 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts—

Deeds *prima*
facie evidence

First.—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for

Listed and
assessed.

	sale, and had been listed and assessed in the time and manner required by law,
Taxes not paid.	<i>Second.</i> —That the taxes or assessments were not paid at any time before the sale.
Non-redemption.	<i>Third.</i> —That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts—
Advertised as required by law.	<i>First.</i> —That the land or lot was advertised for sale for the length of time and in the manner required by law.
Sold for assessments.	<i>Second.</i> —That the land was sold for taxes or assessments as stated in the deed.
Purchaser.	<i>Third.</i> —That the grantee in the deed was the purchaser.
Sale conducted right.	<i>Fourth.</i> —That the sale was conducted in the manner required by law; and in all controversies and suits, involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been made, that the said land had never been listed or assessed for taxation or assessment, or, that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state; but no person shall be permitted to question the title acquired by said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the land have been paid by such persons or the person under whom he claims title, as aforesaid.
General regulations.	

ARTICLE NINTH.

Fire regulations	§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings, within the limits prescribed by them, without their permission, and direct and prescribe that all buildings, within the limits prescribed, shall be made or constructed of fire proof materials; and to prohibit the rebuilding or repairing of wooden buildings, within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires to be nuisances, and to require
Buildings—how constructed.	
Nuisances.	

or cause the same to be removed or abated in such manner as they shall prescribe.

§ 2. The city council shall have power,

First.—To regulate the construction of chimneys and flues so as to admit of chimney sweeps, or other mode of cleaning, and to compel the sweeping and cleaning of chimneys. Chimneys.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire places, stove pipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous. Construction of flues.

Third.—To prevent the deposit of ashes in unsafe places and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition. Deposit of ashes

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings, to construct and keep in repair, wells or cisterns upon their premises. Fire buckets.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting and causing fires. Dangerous buildings.

Sixth.—To regulate, prevent and prohibit the use of fire-works and fire arms. Fire-works.

Seventh.—To direct and prohibit the management of houses for the storing of gun powder and other combustible and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses. Gunpowder.

Eighth.—To regulate and prescribe the manner, and order the building of parapet and partition walls, and of partition fences. Walls and fences.

Ninth.—To compel the owners or occupants of houses, or other buildings, to have scuttles in the roofs and stairs or ladders leading to the same. Scuttles.

Tenth.—To authorize the mayor, fire wardens or other officers of said city to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to damage thereat, and in preventing goods from being stolen. Fire-wardens.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires, as the city council may deem expedient. Extinguishing fires.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires and General regulations.

Engines.

have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power,

Fire companies *First.*—To organize fire, hook, hose, ax and ladder companies.

Firemen. *Second.*—To appoint during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Duties of firemen. *Third.*—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

Engineers. *Fourth.*—The city council shall have power to appoint a chief and assistant engineer of the fire department, and they with the other firemen shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Exemption of firemen. § 4. The members of the city council and firemen shall during their terms of service as such, be exempted from serving on juries, in the militia or working on the streets, or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city and the evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk under the corporate seal for the year in which exemption is claimed.

ARTICLE TENTH.

Board of health. § 1. The board of health shall consist of three or more commissioners to be appointed annually by the city council, and the mayor or presiding officer of the city council shall be president of the board, and the city clerk shall be their clerk and keep minutes of its proceedings.

Visit sick persons. § 2. It shall be the duty of health officers to visit every sick person who may be reported to them, as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such persons to the clerk of the board; and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions or damaged or putrid animal or vegetable matter or other unwholesome articles and to make report of the state of the same with all convenient speed to the clerk of the board.

Infectious diseases. Powers of board § 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease or all things which, in their opinion, shall be infected by or tainted with pestilential matter, and ought to be removed

so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person to be removed, if able, and the board may order any furniture or wearing apparel to be destroyed whenever they may deem it necessary for the health of the city, by making just compensation.

§ 4. The city council shall have power to prescribe the duties and powers of the board of health and to punish by fine or imprisonment or both any refusal or neglect to obey the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being such of the powers and perform such of the duties of the marshal or supervisor as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, public or private, at all times in the discharge of any duty under this act or any ordinance.

Duties pre-
scribed.

Power to enter
houses, etc.

§ 6. Every person practicing physic in the city who shall have a patient laboring under any malignant, infectious or pestilential disease shall forthwith make report thereof, in writing, to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with cost, in any action of debt in any court having cognizance thereof or before a justice of the peace, for the use of the city.

Duties of physi-
cians.

[ARTICLE ELEVENTH.]

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published, in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Publication.

§ 2. The inhabitants of the city of El Paso, are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

Exemption of
inhabitants.

§ 3. The supervisor shall demand the services of all persons who are required to labor upon the streets and alleys of the city, at such time and place and in such manner as the city council may direct or the supervisor shall deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business of any person

Powers of su-
pervisor.

so required to labor, as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe; which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated for the purpose of laboring upon the streets and alleys. But a similar notice published for ten days in the newspaper publishing the ordinances of the city, by the supervisor or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice, to require all persons to appear and labor, as aforesaid. Upon the neglect of any person to appear and labor, as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto; or the same may be recovered by suit, with costs, as in other cases.

Appropriation. § 4. The supervisors of Woodford county shall appropriate a reasonable share of the public revenue collected for county purposes, for the improvement of roads and bridges in the city of El Paso and leading to said city.

Payment of fines. § 5. All fines, forfeitures and penalties collected for offences committed within said city shall be paid into the treasury of said city by the officers collecting the same, and all fines or forfeitures collected of any person of said city for any conviction in the circuit court shall be paid over in like manner.

Surveying. § 6. The city council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered, in consecutive numbers from one upwards and to designate the number of all fractional or other lots and blocks, in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made, and duly recorded, shall be good and valid description of such blocks and lots or fractional blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city or all lands adjoining or within the same, laid out into blocks or lots shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

Expenditures proportioned. § 7. The city council shall, in all expenditures for purposes strictly local, extend annually in the several natural divisions of the city such proportion, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division to the general fund, so that taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

Penalties. § 8. The supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be

liable to indictment and fine, in the same manner as supervisors under the laws of the state.

§ 9. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release any person from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise, or release any person from the payment of any fine or costs.

Remittance of fines.

§ 10. No vote of the city council shall be re-considered or rescinded at a special meeting, unless the meeting be called, in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken.

Reconsidering votes.

§ 11. The cemetery lots, which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Cemetery lots.

§ 12. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-laws in all courts and places.

Evidence of the validity of ordinances.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Actions for recovery — how conduct d.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Prosecutions for violations.

§ 15. The city council shall have power to designate one or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law or police regulation, anything in the laws of this state to the contrary notwithstanding. Such justice shall have power to impose fines and penalties not exceeding the amount au-

Justices of the peace — powers of.

thorized by the constitution of the state. There shall be such local court of civil and criminal jurisdiction as may be established by the general assembly in the cities of the state, in accordance with the constitution of the state. Such court shall have jurisdiction over all cases arising under this act, or any ordinance of said city in pursuance thereof, and such other civil and criminal jurisdiction, as may be provided by law.

Executions.

§ 16. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Woodford whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or workhouse or city prison for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected shall be paid into the city treasury.

Penalty for destroying bridges, etc.

§ 17. Any person who shall injure or destroy any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall be liable to a civil action, at the suit of the city, for damages occasioned by such injury or destruction.

Qualifications of citizens.

§ 18. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or a freeholder in the city of El Paso, in any action or proceeding in which said city may be a party in interest.

Prior ordinances.

§ 19. All ordinances, regulations and resolutions now in force in the city of El Paso, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council, after this act shall take effect.

Claims — how prosecuted.

§ 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

City property.

§ 21. All property, real, personal or mixed, belonging to the city of El Paso, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

§ 22. When the ordinances of said city shall be printed and published in book or pamphlet form, and such book or pamphlet purports by its title to be published by authority of the city, the same shall be received as *prima facie* evidence of the due passage, publication and promulgation of said ordinances in all courts and places.

Evidence of passage of ordinances.

§ 23. The style of all ordinances shall be, "Be it ordained by the city council of the city of El Paso."

Style of ordinances.

§ 24. Any tract of land adjoining said city which may be laid off into blocks or lots, and duly platted according to law, and any tract adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

Additional tracts of land.

§ 25. This act shall not invalidate any legal act done by the president or trustees of the town of El Paso, or by its officers, nor divest their successors, under this act, of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

This act not to invalidate.

§ 26. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process of law, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such persons in custody over night, or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Powers of city officers.

§ 27. Nothing in this act contained shall be construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating the town of El Paso and the act amendatory thereto, but the city council shall possess and enjoy all the powers and authority heretofore conferred or purported to be conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned, except section (24) twenty-four of an act entitled "An act to incorporate the town of El Paso," approved Feb. 22, 1861, which said section twenty-four is hereby expressly repealed.

Powers conferred on city council.

§ 28. There shall be a digest of the ordinances of the city which are of a general nature published within one year after the passage of this act, and a like digest within every period of three years thereafter.

Digest of ordinances.

§ 29. The city marshal and other officers authorized by law to execute process issued by police magistrate or other courts in cases arising under the charter or ordinances of the city, may serve and execute the same within the limits of the county of Woodford, and may receive the same fees

Powers of city marshal.

or mileage as are allowed to county constables in similar cases.

Suits and ac-
tions — how
conducted.

§ 30. In all suits, actions and prosecutions for the recovery of any fine, penalty or forfeiture incurred under the charter or ordinances of the city, process may be issued returnable instanter, and such process shall state substantially the nature of the offence or offences charged, and the title of the ordinance and the section or sections or clause of the charter or ordinance under which the same is claimed. Such process may be issued upon the information of the mayor, the marshal or any police officer, in his official capacity, and upon information upon oath by any other person.

Powers of police
magistrate.

§ 31. Police magistrates shall, upon proper information of any violation of any penal clause of the city charter, or of any penal ordinance of the city, issue a warrant directed to the city marshal, or any police constable or any other officer authorized to execute the same, commanding him to forthwith apprehend the offender and bring him before him or any other competent court; and if, upon the trial, it shall appear satisfactory to the court or jury, after hearing the evidence and proofs adduced in the case, that the accused has been guilty of the violation and offence complained of, such fine, penalty, forfeiture or imprisonment may be imposed and adjudged against the offender as may be prescribed by the charter or ordinance. No process shall be necessary where the offender is arrested without warrant and brought before the court, but an entry of the cause, time and place of arrest shall be made upon the docket of the court, and trial had in the same manner as if process had been issued.

Violations of
charter.

§ 32. The city may sue and declare for several fines, penalties or forfeitures for violations of the charter or ordinances of the city, and recover judgment for as many offences as may be proven, not exceeding the jurisdiction of the court, and may prove any offence committed before the commencement of the suit.

Continuance
granted.

§ 33. In all suits before police magistrate's courts arising under the charter or ordinances of the city, continuances may be granted for good cause shown, upon affidavit, in the discretion of the court; but in such case the defendant, if required, shall give bail for his appearance at the trial, or remain in custody.

City not liable
for costs.

§ 34. The city shall not be liable for costs when the defendants are acquitted, or in any other case arising under the charter or ordinances of the city; and the city council may provide for the payment to police magistrates and police officers of a sum in gross in lieu of all fees and costs and charges against the city.

Appeal by city.

§ 35. The city may appeal in all cases arising under the charter and ordinances of the city, without giving security; and the mayor, in cases of appeal by the city, shall execute

bond under the corporate seal without securities, and a resolution or ordinance of the city council, authorizing the same, shall be sufficient authority therefor, nor shall the city in any case be required to file bond or security for costs.

§ 36. Transcripts of judgments rendered in cases arising under the charter or ordinances of the city may be taken from the dockets of police magistrates and filed in the office of the clerk of the circuit court of Woodford county, and shall have the same effect as transcripts of judgments from the dockets of justices of the peace, and executions shall be issued thereon and collected in like manner. Transcripts of judgments.

§ 37. The city council shall have power to prescribe the forms of process to be issued in, and rules of practice for, the government of police courts in the city, and to fix and regulate the fees and compensation of jurors, witnesses and others for services rendered in all cases arising under the charter or ordinances of said city. Form of process to be issued.

§ 38. The city council shall have power to levy and collect a tax, not exceeding one per cent. on the assessed value of all real and personal property within said city, to defray any expense incurred under the direction of the "president and trustees" of the town of El Paso, or to be incurred under the direction of "the city council" of the city of El Paso, not otherwise provided for, and to be collected in such manner and at such times as said city council may provide by ordinance. To levy and collect a tax for expenses.

§ 39. The county court of Woodford county shall cause an accurate account to be kept of all expenditures made for county purposes, and shall charge all expenditures made for county purposes (excepting for the making and repairing of roads and highways and the building and repairing of bridges in said county without said city) rateably to said county and to the city of El Paso in proportion to the taxes collected for county purposes within said city and in the county without said city, and paid into the county treasury by each respectively, and the surplus of all taxes which may be collected for county purposes, after making the charges to the city and county in the manner herein required, shall be divided between the said city and the said county in proportion to the amount of taxes collected for county purposes within said city and in the county without said city, and paid into the county treasury by each respectively. And the county judge of said county and mayor of the city of El Paso shall ascertain the proportion of taxes to be paid to the city of El Paso under the requirements of this section; and as soon thereafter as the county taxes shall be paid into the county treasury the treasurer of said county shall pay to the treasurer of the city of El Paso a sum equal to three-fourths of the proportion of said taxes to which the said city may be entitled under the provisions of this section; and the same shall be exclusively expended by the city council of said Expenditures for county purposes.

city of El Paso in such manner and for such purposes as the city council of said city may direct or order.

§ 40. This act shall be deemed a public act and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect and be in force from and after its passage.

APPROVED February 27, 1867.

In force March
9, 1867.

AN ACT to incorporate the city of Olney.

ARTICLE I.

OF BOUNDARIES.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Olney, in Richland county, be and they hereby are constituted a body politic and corporate by the name and style of the "City of Olney," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal and alter the same at pleasure.

Boundaries.

§ 2. All that territory included within the following limits, and described as follows, to-wit: The west half of section two (2), section three (3) and the east half of section four (4) in township three (3) north, range ten (10) east; and the east half of section thirty-three (33), section thirty-four (34) and the west half of section thirty-five (35) in township four (4) north, range ten (10) east of the third principal meridian, shall be and is hereby declared to be within the limits of the city of Olney.

Additions.

§ 3. Whenever any tract of land adjoining the limits of city of Olney shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the city of Olney.

Additional powers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity, and in all actions; to purchase, receive and hold property, both real and personal, within and beyond the city, for burial grounds and for other purposes, for the use of said inhabitants of said city; to sell, lease and convey or dispose of property, and do all other things in relation thereto, as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

§ 1. There shall be a city council to consist of a mayor Council. and board of aldermen.

§ 2. The board of aldermen shall consist of two mem- Aldermen. bers from each ward, to be chosen by the qualified voters for two years, and until their successors shall be legally qualified; and at the first meeting of the city council the aldermen shall be divided by lot into two classes; the seats of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the board shall be elected annually.

§ 3. No person shall be an alderman unless at the time Qualification. of his election he shall have resided within the limits of said city one year immediately preceding his election, and shall have the necessary qualifications to vote for state officers, be a resident of the ward for which he is elected and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove Vacancy. from the ward for which he was elected, his office shall be vacated. The mayor and aldermen shall serve without compensation from the city funds until there shall be five thousand inhabitants in said city, and when the population shall exceed five thousand, the mayor shall receive such compensation as the city council shall determine.

§ 5. The city council shall judge of the qualifications, Council elec-
tions. elections and returns of their own members and shall determine all contested elections under this act.

§ 6. A majority of the city council shall constitute a Quorum. quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 7. The city council shall have power to determine the Rules. rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

§ 8. The city council shall keep a journal of its pro- Journal. ceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

§ 9. All vacancies that shall occur in the board of Vacancies. aldermen shall be filled by election.

§ 10. The mayor and each alderman, before entering Oath of office. upon the duties of their office, shall take and subscribe an oath, or make affirmation to support the constitution of the United States and of this state, and to well and truly perform the duties of their said office.

Ties. § 11. Whenever there shall be a tie in an election of alderman, the judges of election shall certify the fact to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance.

Stated meetings.

§ 12. The city council shall meet regularly once every month and hold called meetings as often as they may deem necessary.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER.

The mayor.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for two years, and until his successor shall be elected and qualified.

Eligibility to office.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, and who shall not be a citizen of the United States and a legal voter.

Contested election.

§ 3. In contested elections or tie vote for mayor, the city council shall determine the same by lot, in such manner as they may prescribe by ordinance.

Vacancy.

§ 4. When any vacancy shall occur in the office of mayor, or other city office, said vacancy shall be filled by election.

ARTICLE IV.

OF ELECTIONS.

Time.
Officers.

§ 1. On the second Tuesday of April next an election shall be held in each ward of said city for one mayor; one city marshal, who shall be, *ex officio*, collector; one surveyor, who shall be, *ex officio*, street commissioner; one assessor, who shall be, *ex officio*, treasurer; one clerk and one city attorney; two police magistrates; and forever thereafter, on the second Tuesday of April, in each year, there shall be an election for one alderman for each ward, and biennially there shall be an election for one mayor; one city marshal, who shall be, *ex officio*, collector; one surveyor, who shall be, *ex officio*, street commissioner; one assessor, who shall be, *ex officio*, treasurer; one clerk; one city attorney. The police magistrate shall be elected for four years.

Names of trustees.

§ 2. Joseph Pasmore, William T. Shelby, Wm. Elliott, Simmons Gunn and Adam Guyott, shall constitute a board of trustees for the said city of Olney, and immediately after the adoption of the charter by the citizens, shall divide the city into three wards, by lines running east and west, north and south, describing particularly the boundaries of such ward; the wards to be as nearly equal in population as practicable. The said trustees shall, by ordinance, provide for the first election of all officers to be elected under this act; shall canvass the votes and declare who are duly elected, and make return of the election to the clerk of the county court

and to the secretary of state of the election of mayor and police magistrate in the same manner that returns are made of the election of justices of the peace.

[§ 3.] All male inhabitants over the age of twenty-one years who are entitled to vote for state officers, and who shall have been actual residents of said city six months next preceding said election and who shall have paid such city tax as they may be subject to shall be entitled to vote for city officers: *Provided*, the said voters shall give their votes in the wards in which they respectively reside. Qualification to vote.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

§ 1. The city council shall have power and authority to levy and collect taxes for city purposes, upon all property real and personal within the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof: *Provided*, that after three years from the organization of the city a higher tax may be raised if two-thirds of the voters of the city shall agree thereto at a special election for that purpose, called by the mayor; and the city council may enforce the payment of taxes in any manner prescribed by ordinance not repugnant to the constitution of this state or of the United States. Taxes.
Restrictions.

§ 2. The city council shall have power to appoint any inferior officers that may be deemed necessary. Appointments.

§ 3. The city council shall have power to require of all officers elected or appointed in pursuance of this charter, bonds, with penalty and security for the faithful performance of their respective duties, as may be deemed expedient; and also, to require all officers elected or appointed, as aforesaid, to take an oath or make such affirmation as the city council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall any sum or sums be borrowed, as aforesaid, until after the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof; and if two-thirds of the legal voters of said city shall vote in favor of any such loan, the same may be negotiated, but not otherwise. Bond.
Oath of office.
Borrow money.
Special meeting

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city. Debts and expenses.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city. Sanitary measures.

- Hospitals. § 6. To establish hospitals and make regulations for the government of the same.
- General health. § 7. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance and to prevent and to remove the same.
- Water. § 8. To provide the city with water; to erect hydrants and pumps, build cisterns and dig wells in the streets, for the supply of engines and buckets.
- Alterations. § 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.
- Bridges. § 10. To establish, erect and keep in repair bridges.
- Wards. § 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.
- Lamps. § 12. To provide for lighting the streets and erecting lamp posts.
- Police. § 13. To establish, support and regulate night watches.
- Markets. § 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.
- Town buildings. § 15. To provide for all needful buildings for the use of the city.
- Public grounds. § 16. To provide for inclosing, improving and regulating all public grounds belonging to the city.
- Licenses. § 17. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers.
- Vehicles. § 18. To license, tax and regulate hackney carriages, wagons, carts and drays and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.
- Porters. § 19. To license, and regulate porters, and the rates of portorage.
- Amusements. § 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Disorderly houses. § 21. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses.
- Fires. § 22. To provide for the prevention and extinguishment of fires; to organize and establish fire companies.
- Chimneys. § 23. To regulate the fixing of chimneys, and to fix the fines thereof.
- Gunpowder. § 24. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- Fences. § 25. To regulate and order parapet walls and partition fences, and to restrain cattle, sheep and hogs from running at large.
- Weights and measures. § 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city.

in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

§ 27. To provide for the inspection and measuring of Lumber. lumber and other building materials, and for the measuring of all kinds of mechanical work.

§ 28. To provide for the inspection and weighing of Hay and coal. hay and stone coal, measuring of charcoal, firewood and other fuel, to be sold and used within said city.

§ 29. To provide for and regulate the inspection of Inspection of provisions. tobacco and of beef, pork, flour, meal and whisky in barrels.

§ 30. To provide for and regulate the inspection of Butter, etc. butter, lard and other provisions.

§ 31. To regulate the weights and quality of bread to be Bread. sold and used in the city.

§ 32. To regulate the size of bricks to be sold and used Bricks. in the city.

§ 33. To provide for taking the enumeration of the in- Census. habitants of the city.

§ 34. To regulate the election of city officers and to Election. provide for removing from office any person holding an office created by ordinance.

§ 35. To fix the compensation of all city officers; Compensations. to regulate the fees of jurors, witnesses and others for services rendered under this act, or any ordinance made in pursuance thereof.

§ 36. To license, regulate, tax or prohibit the selling of Sale of liquors. intoxicating and malt liquors within the city, and no license shall be granted for more than one year, for which license the said council shall fix the sum to be paid, the same not to be less than one hundred dollars for spirituous and malt liquors, nor less than fifty dollars for the sale of malt liquors.

§ 37. To regulate the police of the city; to impose fines Fines. forfeitures and penalties for the breach of any ordinance; and to provide for the recovery and appropriation of such fines and forfeitures, and enforcement of such penalties; and all moneys collected under and by authority of any city ordinance, shall be deemed and taken to belong to the city and disposed of by the city council under the ordinances of said city, for the general use and benefit thereof.

§ 38. The city council shall have exclusive power within Billiards. the city, to license or suppress any billiard tables, bowling alleys or other games of a similar nature.

§ 39. The city council shall have power to make all Needful ordinances. ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state.

§ 40. The style of the ordinances shall be, "Be it Style of. ordained by the city council of the city of Olney."

Publication of. § 41. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper in the city, or posted up in three of the most public places in the said city of Olney, and shall not be in force until they shall have been published as aforesaid.

How proven. § 42. All ordinances of the city may be proven by the seal of the corporation, and when printed in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.

OF THE MAYOR.

The mayor. Tie vote. § 1. The mayor shall preside at all meetings of the city council, [and] in case of a tie shall have the casting vote, and in no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board.

Special meetings. § 2. The mayor or any two aldermen may call special meetings of the city council.

Enforcing laws. § 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances for the government of the city, he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation to be prosecuted and punished; he shall from time to time, communicate to the aldermen [such information] and recommend all such measures as in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Suppression of riots. § 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riots, to call on the militia to aid him in suppressing the same, or other disorderly conduct; preventing and extinguishing fires, for securing the peace and safety of the city, or in carrying into effect any law or ordinance. Any person who shall not obey such call, shall forfeit to said city a fine not exceeding ten dollars.

Penalty. Inspection. § 5. He shall have power whenever he shall deem it necessary to require of the officers of said city, an exhibit of their books and papers.

Execution of acts. § 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Jurisdiction. § 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for

the purpose of enforcing the health and quarantine regulations thereof.

§ 8. He shall receive for his services outside of the city Salary. such salary as shall be fixed by ordinance of the city.

§ 9. In case the mayor shall at any time be guilty of a Omission of duty. palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Richland county, and on conviction he shall be fined not exceeding two hundred dollars, Penalty. and the court shall have power, on recommendation of the jury, to add to the judgment of the court that he be removed from office.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. When it shall be necessary to take private property for opening, widening and altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken; and if the amount of said compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of said city. Condemnation of private property. Compensation.

§ 2. When the owners of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley upon condition to be prescribed by ordinance, but no compensation in such case shall be made to those whose property shall be taken, their tenants or others, for the opening, widening, or altering such street, lane, avenue or alley, nor shall there be any assessments of benefits or damages that may accrue thereby to any of the petitioners. Petition. Expenses.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, said inquest to state who shall pay damages, and signed by each juror. Duties of jurors Inquest.

§ 4. In ascertaining the amount of compensation for property taken for opening, altering or widening any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by any such opening, widening or altering such street, lane, avenue or alley. The police magistrates of said city shall have jurisdiction in all civil cases to any amount not exceeding five hundred dollars, in Richland county. Benefits and disadvantages.

§ 5. The mayor shall have power, for good cause shown, New inquest. within ten days after any inquest shall have been returned

to him as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax for
improvements.

§ 6. Upon a petition of a majority of the property holders, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley according to the respective fronts owned by them, for the purpose of draining, grading or planking sidewalks, and lighting such street, lane, avenue or alley: *Provided*, said tax shall not exceed in amount the costs of such sidewalks and lighting respectively, and shall not be more than the increased value said improvement will add to said lots, which shall be collected the same as other city taxes.

ARTICLE VIII.

ADDITIONAL SUPERVISORS.

Supervisors.

§ 1. The legal voters in the several wards in the city of Olney shall be entitled to elect, annually, one supervisor in each ward, in addition to the township supervisor to which the township of Olney is now entitled, under the general township organization law, and the several supervisors so elected shall be members of the board of supervisors of Richland county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be possessed and enjoyed by the several township supervisors of the said county of Richland.

Election.

§ 2. Each ward shall, at the time fixed by law for the election of city officers, elect one supervisor in the same manner and under the same rules and regulations as the city aldermen are elected, and the returns of said election shall be made to the town clerk of the town of Olney, within six days from said election; said clerk shall immediately make out and deliver certificates of election to the persons who shall be elected in the different wards in accordance with this act, and the persons so elected shall thereupon enter upon the duties of their office as ward supervisors.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

Road labor.

§ 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able-bodied male inhabitant in the city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each year; and any person failing or refusing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay for each day's work so neglected or refused, such amount as the city council may prescribe.

§ 2. The inhabitants of the city of Olney are hereby exempt from working on any road or bridge beyond the limits of said city, and from paying any tax to procure laborers to work upon the same. Exemption.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the city or county jail, or by compelling them to labor upon the streets of said city, in all cases when such offenders shall fail or refuse to pay the fines or forfeitures that may be recovered against them. Punishment.

§ 4. The city council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended. Annual statement.

§ 5. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Richland county, and every such appeal shall be granted in the same manner, and with like effect, as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state. Appeals—how conducted.

§ 6. Whenever the office of mayor shall become vacant by death, resignation or removal, the board of aldermen shall immediately proceed to elect one of their own number as mayor *pro tem.*, until the vacancy shall be filled by election as herein provided. Vacancy in the office of mayor.

§ 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without proof. Public act.

§ 8. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed. Conflicting.

§ 9. The city marshal or any other officer authorized to execute writs or any other process issued by any judicial officer of said city, shall have power to execute the same anywhere within the limits of the county of Richland, and shall be entitled to the same fees for service and traveling as are allowed to the sheriff in similar cases, for services of like character. The said city marshal, shall by virtue of his office, be a constable of Richland county, with power to serve process and do all other acts that a constable may lawfully do, shall hold his office for two years, and shall give bond as other constables are required to give by law, which bond shall be filed in the office of the county clerk. City marshal.
Term of office.

§ 10. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, also the marshal and constables and are hereby authorized and it is made their duty to arrest all persons who are violating or have violated any ordinance of the city or any law of the state, with or without process, and have them prosecuted therefor; and any person or persons who shall Members of the council ex officio.

willfully interrupt or oppose them in discharge of the requirements hereof, shall be subject to the same penalties as though they had opposed or interrupted a marshal, sheriff or constable in the legal discharge of their duties. The members of the city council shall be exempt from jury duty and street labor or the payment of street taxes during their term of office.

The election
police magis-
trate.

§ 11. There shall be elected, at the first election for city officers, two police magistrates, who shall hold their offices for the term of four years and until their successors shall be elected and qualified, and said police magistrates shall be, *ex officio*, justices of the peace, and their jurisdiction shall extend over the entire county of Richland. The governor shall commission the mayor of said city and the said police magistrates, and each magistrate shall execute and deliver unto the city clerk, within twenty days after his election, a bond to be approved by said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands under any judgment or otherwise by virtue of his said office, and that he will well and truly perform every act and duty enjoined on him by this charter or the laws of this state to the best of his skill and abilities; said bond shall be made payable to the city council of the city of Olney for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrates. Change of venue may in all cases be taken from one of the police magistrates to the other and the practice and usages of the same shall be as in the justice's court.

Change of
venue.

Promulgating
this law.

§ 12. The trustees named herein shall immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Olney, and issue their proclamation for an election to be held in said city, at least ten days prior to the election for city officers, at which election the inhabitants residing within the territory described in the second section of the first article of this act who are authorized to vote for state officers, shall vote "for the charter" or "against the charter" and if a majority of the votes given at such election shall be for the charter, this act shall immediately take effect as a law, and the trustees shall proceed as directed in article four of this charter, but if a majority of the votes shall be against the charter, then this act shall be of no effect.

Submitting the
charter.

School district
No. 12.

§ 13. School district number twelve of townships three and four in Richland county is hereby extended so as to embrace and include all the territory within the limits of the city of Olney.

§ 14. This act shall take effect and be in force from and after its passage, whereupon all officers elected or appointed by and under the corporation of Olney existing heretofore, are declared vacated so soon as the city officers are elected and qualified.

Previous offices declared vacated.

APPROVED March 9, 1867.

AN ACT supplemental to an act, entitled "An act to amend the charter of the city of Lincoln, approved February 21, 1867. In force March 9, 1867.

WHEREAS by the provisions of an act incorporating the city of Lincoln, in the county of Logan, approved February 16, 1865 and an act amendatory thereof, entitled an act to amend the charter of the city of Lincoln, approved February 21st, 1867. The city elections in said city of Lincoln are required to be held on the second Monday of March in each year, and whereas there has not been time enough, since the approval of said last mentioned act, to provide for the registry of voters in said city according to the provisions of the registry law of this state, before the time fixed by said city charter for the holding of such city election, therefore,

Preambles.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time of holding said city election for the city of Lincoln, under and by virtue of the charter of said city conferred by the act of the general assembly, approved February 16, 1865, and the act amendatory thereof, approved February 21, 1867, be and the same is hereby postponed until the fourth Monday of March, A. D., 1867, instead of the second Monday of said month.

Postponement of time of holding city elections.

§ 2. Nothing in this act contained shall be construed so as to alter the time for holding the annual city elections in said city of Lincoln, except for the year 1867.

Time of holding annual city election not altered.

§ 3. This act shall be a public act, and be in force and effect from and after its passage.

APPROVED March 9, 1867.

AN ACT to amend the city charter of Mound city, Illinois, and to amend all acts heretofore passed incorporating the said city, and for other purposes. In force March 11, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section second of said charter, approved February 24, A. D.

Section 2, of act approved Feb. 24, 1856, amended.

1859, be and the same is hereby amended so as to restrict the corporate limits of said city to the land inclosed within and bounded by the levee lately built around said city, and that all the recorded plat of said city lying outside of said levee, (except that portion fronting on the Ohio river,) be hereby declared vacated and no longer taxable as town lots.

Section 4, of act approved Feb. 16, 1865, amended.

§ 2. That section four of an act amending said city charter, approved February 16, A. D. 1865, be and the same is amended so as to restrict the power of the city council of said city in levying a tax for general purposes, to not exceed one per cent. per annum upon the assessed value of the taxable property within said city.

Board of public works.

§ 3. That, in addition to the powers heretofore granted to the city council of said city, they are hereby authorized to appoint a committee of three discreet qualified voters in said city (not of their number,) to act as a "Board of Public Works," whose duty it shall be to superintend all public improvements of every description made in said city during their term of office, which shall be for one year or until their successors are appointed; they shall assess the cost of making every improvement as aforesaid, and keeping the same in repair with the benefits resulting therefrom to the owners or holders of lots in front of and along which said improvements are made, and the report of said board, (when confirmed by the city council,) shall be the basis in assessing the tax or taxes due from said owner or holder of lots for said improvements. Said board shall be paid such salary as the city council may direct, not to exceed three hundred dollars a year each.

Police magistrate.

§ 4. The said city council are also hereby authorized to empower, by resolution, any justice of the peace residing within the limits of said city, to act as police magistrate to try all cases for the violation of any city ordinance.

Marshal.

§ 5. The marshal of said city is hereby empowered to act in all cases before justices of the peace as a county constable, to be held responsible on his bond as city marshal for the faithful performance of all duties as county constable.

Agents of insurance companies.

§ 6. The said city council are hereby authorized to license, tax and regulate agents of all foreign insurance companies doing business within said city, and also to consolidate the offices of assessor and collector, and to provide for the election and compensation of one person performing the duties of both offices.

Sale of real estate for taxes.

§ 7. That hereafter before any sale of real estate by the collector of said city for city taxes, judgment shall be obtained in the same manner and at the same court as is now provided by the revenue laws of this state for obtaining judgment against delinquent lands and town lots for state and county purposes.

§ 8. *Be it further enacted*, that the state tax hereafter assessed and to be collected upon the taxable property within said city for the period of ten years from and after this date, shall, after being collected by the sheriff of Pulaski county, be paid over to the treasurer of said Mound city under the direction of the city council, and shall, under their direction, be set apart and kept as a special fund to liquidate the present bonded indebtedness of said city, contracted for building a levee.

Disposition of taxes collected

§ 9. All acts or parts of acts inconsistent or conflicting with this act are hereby repealed, and this act is hereby declared to be a public act, to be in force from and after its passage.

Conflicting acts repealed.

"This bill having remained with the governor ten days, (Sundays excepted,) and the general assembly being in session, it has become a law, this 28th day of February, 1867.

SHARON TYNDALE,
Secretary of State.

AN ACT to enable the city of Dixon to borrow money for the purpose of building and maintaining a bridge across Rock river, at Dixon, Illinois. In force Feb'y 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever it may become necessary to either repair or rebuild the bridge across Rock river at the city of Dixon, in said state, the city council of said city shall have power to borrow such sum of money as may be necessary for that purpose, and to issue bonds to secure the payment of such loan, at a rate of interest not exceeding ten per centum per annum, and such bonds, so issued, shall be obligatory and binding upon said city: *Provided*, that said city council shall in no case borrow any sum of money or issue bonds for the payment of money for such purpose without having first submitted the question as to whether they shall so borrow such money to a vote of the legal voters of said city, and the city council shall have the power to so submit such question at any annual or special city election, duly called within and for said city; and whenever such question shall be so submitted, the notice of said election shall be given at least ten days before the day of said election, and shall specify the amount of money proposed to be so borrowed and the purpose for which it is to be expended. Said vote shall be taken by ballot, upon which shall be written or printed, or partly written and partly printed, "For Loan," or "Against Loan." Returns of said vote shall be made to the city clerk, in the same manner as in case of elections of city officers. If it shall be found that a majority of the voters of said city voting upon the question have voted in favor of such loan, the city council shall have the right to proceed

Authority.

Bonds for payment of. Rate of interest.

Proviso.

to make such loan and to issue bonds as aforesaid, and not otherwise.

Payment of interest on bonds

§ 2. Whenever such loan shall be made, and bonds to secure the payment of the same shall be so issued, it shall be lawful, and shall be the duty of said city council of said city of Dixon, to provide for the payment of the interest on said bonds, and to create a fund for the payment of the principal, and shall assess such special tax on all the taxable property, both real and personal, in said city, as may be necessary for that purpose, which tax shall be levied and collected in the same manner as other taxes in said city, except that it shall be paid in money only. Said tax shall be extended upon the collector's book in a separate column, and, when collected, shall be paid to the city treasurer, and shall be held by him, subject to the order of the city council, for the payment of the principal and interest due upon such bonds issued as aforesaid, and shall not on any pretense be appropriated to any other purpose whatever.

Present bridge.

§ 3. The present bridge across Rock river or any bridge that may be hereafter constructed by the city of Dixon across Rock river, within the limits of said city, is and shall be vested in said city of Dixon, and the city council of said city shall have exclusive control of such bridge or bridges and shall have full power to make such regulations and restrictions in regard to the use of the same, as they may deem necessary and proper, and may pass such ordinances as may be necessary to protect, preserve and regulate the same.

Provisions and regulations.

§ 4. The city council of said city shall have the right to provide, by ordinance, all necessary provisions and regulations as to the manner of exercising and carrying into effect the powers herein specified.

§ 5. This act shall be deemed and taken as a public act, and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb'y 25, 1867.

AN ACT to authorize the board of trustees of the town of Belvidere, in Boone county, to issue bonds and to levy taxes for the purpose of building a bridge across the Kishwaukee river.

Amount of the bonds — when payable — rates of interest.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the board of trustees of the town of Belvidere be and they are hereby authorized and empowered to issue bonds of said town, not to exceed in amount the sum of ten thousand dollars, which bonds shall be payable in not less than one nor more than six years, and bear interest at a rate not exceed-*

ing ten per cent. per annum, and to levy a tax on all the taxable property in said town to raise funds to liquidate said bonds and the interest thereon, for the purpose of building a bridge across the Kishwaukee river on State street in said town; said bonds shall be designated as "Bridge Bonds," and shall be for sums of not less than one hundred dollars, or more than one thousand dollars, and shall be issued with coupons for accruing interest attached thereto, which interest shall only be paid on the surrender of such coupons from time to time, as the same become due, and said bonds may be disposed of under the direction of said board of trustees, for ready money, or in payment for materials or labor necessary in the building of said bridge, as may seem best to said board.

Designation of.

Coupons—disposition of.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to authorize the city of Nauvoo, in Hancock county, Illinois, to raise money for cemetery purposes. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of the city of Nauvoo be and the same is hereby authorized and empowered to levy and collect annually a tax not exceeding five mills on every dollar valuation of taxable property within the limits of said city, both personal and real, for the purpose of purchasing and maintaining ground for an additional cemetery for said city, and for other purposes.

Taxes—purpose

§ 2. Said tax, so levied, shall not, in the aggregate, exceed the sum of two thousand dollars and to be levied and collected in the same manner that other taxes of said city are levied and collected.

Amount of.

§ 3. This act to be in full force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 28, 1867. AN ACT to authorize and empower the city of Henry to subscribe to the capital stock, or loan its credit to a cotton manufacturing company in said city of Henry.

Authority to subscribe. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Henry, in the county of Marshall, Illinois, is hereby empowered and authorized to subscribe to the capital stock of any cotton manufacturing company now organized or hereafter to be organized, in conformity to the laws of this state, in said city of Henry, in any sum not exceeding forty thousand dollars, or to loan the credit of said city to such company for the same sum.

Bonds. § 2. For the purpose of carrying the provisions of the first section of this act into effect, said city, through its mayor and board of aldermen, are hereby authorized to make and issue bonds of said city, bearing interest at a rate not exceeding ten per cent. per annum, payable to such corporate body aforesaid, or to any other person or persons or corporate body: *Provided*, that whenever such subscription or loaning of credit is proposed to be made, it shall be the duty of the mayor and board of aldermen of said city to order a vote of the taxable inhabitants of said city, who are entitled to vote in said city, by a notice published in some newspaper published in said city of Henry, stating that on a certain day therein named, not less than twenty days from and after the first publication of such notice, a vote of the taxable inhabitants of said city, who are entitled to vote therein, will be had, to decide whether said city shall subscribe or loan its credit as proposed by the mayor and board of aldermen. Said publication shall state the amount proposed to be subscribed or for which the credit is proposed to be loaned.

Vote of taxable inhabitants to decide upon subscription. Time, place and manner of voting. § 3. Said vote shall be taken by ballot at the place of holding elections in said city, and if a majority of the votes cast shall be in favor of the proposition of the mayor and aldermen of said city, then such subscription or loan shall be made by the mayor of said city, otherwise not: *Provided*, that the mayor and board of aldermen may provide in said publication that there shall be but one poll for such election, to be opened between the hours of nine and ten o'clock in the morning, and closed at five o'clock in the afternoon of said day, and the said election shall be conducted and returns made in the same manner as now is or may hereafter be provided by law for general elections in said city.

Trustees. § 4. Samuel Camp, Alfred H. Powell and John Barnard be and hereby are appointed trustees for said city, who shall have the care, control and management of the stock of the said city in the same manner as shall be provided by the by-laws of such corporation for other stockholders. That upon a vacancy occurring in the said board of trustees by death, resignation or removal, the same shall be filled in

Vacancy.

same manner as now is or hereafter may be provided for the election of a mayor in and for said city. Said trustees shall devote two (2) days in each year to an investigation of the affairs of such corporation, and receive an annual salary of ten dollars, to be paid by said city, and said trustees shall have power to call upon the officers of such corporation and compel an investigation of its books and papers.

§ 5. The city council shall annually levy a tax upon all the taxable property listed for taxation in said city, to pay the interest and principal of such bonds as may be issued under the provisions of this act; which tax, when collected, shall be deemed a special tax, and shall be used for no purpose other than the payment of said principal and interest. Taxes.

§ 6. In case any proposition submitted in conformity with the provisions of this act shall not be adopted upon the first vote, it shall be lawful for the mayor and aldermen to submit the proposition, or any other proposition in relation to the same subject, in the same manner, to a vote of the people, whenever they shall deem it to the interest of the city so to do, but in no case shall the said city own or be liable for any stock exceeding the said sum of forty thousand dollars, under the provisions of this act. Adoption of proposition.

§ 7. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to authorize the city of Belleville and the town of Mascoutah to issue bonds. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the city council of the city of Belleville, of the county of St. Clair, State of Illinois, may authorize the mayor and register to issue bonds in such amounts as the said city council may determine upon by ordinance, payable in not less than ten years nor more than twenty years, and bearing ten per cent. interest per annum. The proceeds of said bonds shall be applied as subscription to stock of any plank, macadam or railroad now being built or hereafter to be built, leading to or from the city of Belleville. Said bonds shall not be sold or disposed of for less than par: And, provided further, that no such bonds shall be issued unless a majority of the tax-payers to whom the question shall be submitted shall have decided in favor thereof.* Amount of the bonds.

Provided.

Application of this act. § 2. This act shall also apply to and be in force for the use and benefit of the town of Mascoutah, in the county of St. Clair.

Applies to other places. § 3. The town of Nashville, in the county of Washington, and to the county court of Washington, are hereby authorized to avail themselves of the benefit of this act.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March 7, 1867. AN ACT to authorize cities, towns or townships lying within certain limits to appropriate moneys and levy a tax to aid the construction of the Chicago, Danville and Vincennes railroad.

Payment of. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all incorporated towns and cities and towns acting under the township organization law, which lie wholly or partly within 20 miles of the east line of this state, and also between the city of Chicago and the southern boundary of Lawrence county, be and the same are hereby severally authorized to appropriate such sum of money as they may deem proper to the Chicago, Danville and Vincennes railroad company, to aid in the construction of the road of said company, to be paid to said company as soon as the track of said road shall have been located and constructed through said city, town or township respectively: Provided, however, that the proposition to appropriate moneys to said company shall be first submitted to a vote of the legal voters of said respective townships, towns or cities, at a regular, annual or special meeting, by giving at least ten days notice thereof; and a vote shall be taken thereon by a ballot at the usual place of election; and if the majority of votes cast shall be in favor of the appropriation, then the same shall be made, otherwise not.*

Proviso.

Taxes. § 2. The authorities of said townships, towns or cities respectively, are hereby authorized and required to levy and collect a tax, and make such provisions as may be necessary and proper for the prompt payment of the appropriation under the provisions of this law.

Taxes legalized and valid. § 3. *And be it further enacted, That all the taxes heretofore voted in any and all of the townships, towns or cities along the line of the aforesaid road, in aid of the construction of said road, are hereby legalized and declared valid.*

Conditional votes. § 4. *And be it further enacted, That any and all of said townships, towns or cities within the county of Iroquois and along said line of road as aforesaid, may vote for or*

against such taxes conditioned, that the town of Watseka in said county shall be made a point on said road, and in case a sufficient amount of such conditional taxes be voted in said Iroquois county to build the additional length of road required to make said town of Watseka a point in the same, then and in that case said road shall be so located as to run through or adjoining said town of Watseka.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to enable the city of Sterling and certain towns in Whiteside county to issue bonds and raise money by taxation to establish a free bridge across Rock river at the city of Sterling. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Sterling and towns of Coloma, Montmorency, Hume, Hahnaman, Tampico and Prophetstown, in the county of Whiteside, or any number of said towns, not less than five, including the city of Sterling, which shall vote to accept the provisions of this act, may and it shall be lawful for them respectively to issue bonds to run for a term or terms, not exceeding five years and upon interest at the rate of ten per cent. per annum; and, also, to raise and collect such a tax or taxes, not exceeding two per cent. of the assessed valuation of the said city and towns respectively for the purpose of opening and maintaining free communication across Rock river, between the towns of Sterling and Coloma, either by the purchase of the Sterling bridge or the erection of a new bridge at some point opposite to the city of Sterling. Bonds.

§ 2. The members of the county board of supervisors who shall be elected at the first annual town meeting after the passage of this act, by the respective towns accepting the provisions hereof, should said city accept the same, and their successors in office, shall be, *ex officio*, commissioners for the purchase or erection and maintenance of a free bridge; and as such commissioners shall have authority, in case they shall deem a new bridge to be expedient, to select and decide upon its location, which shall be fronting to some one of the streets leading in a direction to the said river in said city of Sterling; and shall have power to make any and all contracts necessary for its erection and completion, and for the maintaining and keeping the same in repair and shall have authority to employ any agents, mechanics or laborers for that purpose. And the said commissioners Election of supervisors.

shall make all by-laws, rules and regulations necessary to be observed by persons passing over said bridge.

President,
secretary and
treasurer—
duties of.

§ 3. The said board of commissioners shall annually in the month of May choose one of their number president, and shall also select a secretary and a treasurer, who shall keep full and accurate minutes of the proceedings of the said commissioners in their respective offices. The books and records of the said commissioners shall be kept in some house or office in Sterling or Coloma, and shall be open to the inspection of any of the legal voters of the city or towns acting under the provisions hereof.

Estimates of
amount of
bonds.

§ 4. The said commissioners shall at their first meeting, or as soon thereafter as shall be practicable, make an estimate of the amount of bonds, not to exceed sixty (60) thousand dollars, necessary to be issued for the purpose of purchasing or building a bridge, as they shall decide, and also the amount that the city of Sterling and the respective towns should issue according to their assessed value respectively, and shall certify the city clerk of the city of Sterling and the town clerks of the respective towns the several amounts allotted to them; and it shall be the duty of the said clerks of the said respective towns and city, upon notice in writing from the said commissioners that they are ready to use said bonds, to issue the same to the amounts so certified, which said bonds shall be signed by the clerks of the said town respectively, and shall be countersigned by the supervisors of the said towns respectively and placed in the hands of the treasurer of the said commissioners; but the said bonds shall not be negotiated at less than their par value. The said commissioners shall furnish a uniform style of blanks for such bonds.

Name and style
of bridge com-
missioners.

§ 5. The said bridge commissioners shall be known as "The Sterling and Coloma Free Bridge Commissioners;" and by that name and style are hereby made capable to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of law and equity, and may do and execute all acts, matters and things which may be necessary to the building, maintaining and preserving of such bridge.

Suits at law.

§ 6. In case of a suit at law or in equity against the said commissioners, service may be had upon the president or secretary, and when both are absent from the county of Whiteside, upon any member of the board of commissioners.

Purchase of
bridge.

§ 7. Should the said commissioners determine to purchase the present bridge at Sterling, and the same should thereafter become useless by decay, destruction by the ice or otherwise, the said commissioners may re-build the same or build a new bridge at that or any other point opposite the said city of Sterling, in accordance with the provisions of this act.

§ 8. The said commissioners shall at all times keep such free bridge in good order and repair, and in case the same should be injured by high water, or otherwise, they may speedily repair or rebuild the same. Repairs.

§ 9. The said commissioners may use, alter or grade such portion of any street in the city of Sterling, opposite to which they may build such bridge, as may be necessary to connect the roadway of the said bridge with said street, and they are hereby authorized and empowered to obtain the right of way over any intervening lots or banks, shores or bed of said river, between such street in the city of Sterling opposite to which they may construct such bridge, and the nearest public road to the southern terminus of said bridge which is or may be hereafter opened as a public highway in the town of Coloma, and may condemn any land, earth or stone along the location of such bridge that may be necessary for its construction and use, but shall pay for the same to any party or parties injured thereby, and upon failure of agreement as to the amount of any such damages, the same shall be ascertained and determined in the manner prescribed by law for ascertaining the amount of damages upon obtaining the right of way for laying out public roads; but the work upon or construction of the said bridge shall not be obstructed or burdened by delay in determining the amount of such damages. Grading of streets.

§ 10. If the said commissioners decide to build a new bridge the same shall be commenced before the first day of June in the year of our Lord one thousand eight hundred and sixty-nine, and shall be completed within six years from the passage of this act. And said bridge shall be built in a manner not materially to obstruct the navigation of Rock river. Time of commencement of building new bridge, etc.

§ 11. The said commissioners shall have authority to receive donations from any person, persons, firms, companies or corporations which may in that manner favor the building or maintaining a free bridge, all of which donations shall be strictly applied for that purpose. Donations.

§ 12. Whenever the said commissioners shall deem it necessary to raise a tax for the purpose of paying any indebtedness arising from the purchase, building or keeping such bridge in repair, they shall make a statement of the sums necessary to be raised in each of said towns and said city of Sterling, according to their assessed valuation respectively, and shall certify the same to the board of supervisors of Whiteside county. The respective sums so certified shall by said board of supervisors be levied on the taxable property of the said towns respectively and of said city of Sterling, and collected by the collectors thereof in the same manner as other taxes are levied and collected; and all such moneys, as soon as collected, shall be paid by the col- Taxation.

lectors of said towns respectively and the county treasurer into the hands of the said commissioners.

Treasurer's
bond.

§ 13. The treasurer of said board of commissioners shall, before entering upon the duties of his office, execute and deliver a bond to the said commissioners in such a sum and with such security for the faithful performance of the duties of his office as they may require.

Question of is-
suing bonds
and taxation.

§ 14. The qualified voters of the several towns herein named, and of the said city of Sterling, shall, at the next annual town meeting after the passage of this act, decide in favor of or against the issuing of bonds and raising a tax for the purpose of establishing a free bridge; those in favor of the same shall have written or printed on their ballots the words "for a free bridge," and those opposed to the same shall have written or printed on their ballots, the words "against a free bridge": *Provided*, that said city, or any of said towns which may decide against the free bridge, may at any annual town meeting or city election thereafter vote upon the same question and in the same manner.

Corporation
donations.

§ 15. Any city, incorporated town or township not herein named or not availing themselves of this act, but whose inhabitants may be benefited by such free bridge, may vote at any annual town meeting to aid in the construction or maintenance of the same, by donations, or otherwise.

Failure of town
officers to act
herein.

§ 16. Any city, town or county officer, any or all of the said commissioners, their secretary or treasurer, may be compelled to perform any of the duties required by this act, when neglecting or failing so to do, by a writ of *mandamus* from the circuit court of Whiteside county, upon proper complaint being made therefor.

Public highway.

§ 17. The said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public roads and bridges.

Penalties for
damage or in-
jury of bridge.

§ 18. If any person or persons shall willfully do or cause to be done any injury to such free bridge, such person or persons so offending, shall be liable to pay to said commissioners not less than twice the amount of such injury, to be recovered, with costs of suit, in an action of trespass, in any court having jurisdiction thereof, which said sums shall be paid into the hands of the treasurer of said board of commissioners for the maintaining of the said free bridge, or shall be liable to indictment in the circuit court in the name of the people of the state of Illinois, and on conviction under indictment such person or persons shall also be liable to imprisonment in the county jail not exceeding three months, and to pay the costs of prosecution.

Forfeiture for
violation of
rules.

§ 19. Any person or persons crossing said bridge, or any part thereof, with any beast or animal, faster than a walk, or violating any of the regulations established by the

said commissioners, posted as hereinafter provided, shall forfeit and pay to the said commissioners ten dollars for each offence, to be recovered by an action before any justice of the peace or any court having jurisdiction: *Provided*, that said commissioners shall keep posted in some conspicuous place painted in large letters said regulations.

§ 20. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to incorporate the Traders' Emporium.

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That M. Tiernan, H. B. Bogue and C. M. Cudy, their associates and successors, are hereby created a body corporate and politic by the name and style of the "Traders Emporium" and by that name shall have perpetual succession, may sue and be sued, have a common seal, may make contracts, may make by-laws for the government of its officers and business, and have and enjoy all the rights and privileges and be subject to all the liabilities of a body corporate and politic. Name and style.

§ 1. The capital stock of said company shall be fifty thousand dollars, which may be increased from time to time by said company to an amount not exceeding five hundred thousand dollars. The capital stock shall be divided into shares of one hundred dollars each, to be deemed personal property and transferable as such in the manner and subject to the restrictions provided by the by-laws. Powers.

§ 2. The business of said company shall be conducted by a board of five directors, who shall be chosen annually, and they shall elect from their number a president, a secretary and treasurer, and they may appoint such officers and agents as they shall deem proper and may prescribe the duties of their officers and agents and require bonds from them with or without sureties. The said company shall be authorized to exercise all the powers granted by this act when forty thousand dollars shall have been subscribed to the capital stock and thirty per cent. of such subscriptions shall have been paid in. Capital stock.

§ 3. The said company are hereby authorized to import from foreign countries all kinds of goods and wares, and may deal in and sell the same at wholesale or retail, and may buy and sell domestic goods or merchandise, groceries, hardware or other articles, and for the purpose of carrying Directors.

Business and
operations.

on said business may establish depots or agencies in any foreign country or in the city of New York or elsewhere, but the principal place of business shall be in Chicago, Illinois. It shall be lawful for said company to erect in Chicago and to occupy one or more buildings for their said business, and to that end may lease or own so much real estate as they shall deem necessary. The said company are authorized to borrow money and to pledge their property or franchise to secure the payment of the same.

§ 4. This act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the Guarantee and Investment Association.

Name and style.

Powers.

Objects.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Otis, Erastus Bailey, P. D. Hamilton and L. P. Hilliard, and all others who may become associated with them as subscribers to the stock of the association hereby created, their successors and assigns forever, be and they hereby are created and made a body politic and corporate by the name and style of the "Guarantee and Investment Association," and by that name shall be and hereby are empowered to to purchase, have, hold, possess and enjoy by themselves, successors and assigns forever, lands, tenements, hereditaments, goods, chattels, choses in action and effects of every kind, and the same to grant, sell, alien, invest, loan and dispose of; to sue and be sued, plead and be impleaded in all courts of law and equity; to have and use a common seal, and the same to change, alter or renew at pleasure; but nevertheless the said corporation shall not be entitled to acquire, hold or possess real estate, except such as may be necessary for the purposes of its business, unless the same shall be acquired for debts due said corporation, and no real estate except such as may be used in the transaction of its business, shall be held by said company for more than ten years after acquiring the same.

§ 2. The chief objects of this association are that it will examine and pass opinions upon and negotiate the sale of first class securities, or for a valuable consideration it will by its special indorsement, or by its special contract or agreement or agreements guarantee payments of interest, or interest and principal of securities which, though good, the makers whereof are not known in the large money markets so as to facilitate ready sale of the same.

§ 3. The business and affairs of said corporation shall be managed by a board of not less than three nor more than fifteen directors, and such officers and agents in this state and other states and places as they may appoint. The first board of directors shall be elected by the corporators aforesaid or such of them as may act together with such other persons as may become associated with them as subscribers to the stock of said association; and thereafter the said directors shall be elected by ballot, by and from the stockholders of said association. They shall hold their office for the term of three years and until others shall be elected or chosen to fill their places. In case of a vacancy, by death, resignation or otherwise, the remaining directors may fill such vacancy by appointment until the next regular election. A majority of said directors shall always be residents of the state of Illinois. The said board of directors shall have power to ordain and put in execution such by-laws and regulations as they may deem proper for the well ordering and government of said corporation: *Provided*, they be not repugnant to the laws of the United States or of this state or to the provisions of this act of incorporation. They shall have power to appoint all such officers and agents as they may think desirable, and to fix their salaries, compensation, duties and terms of office. They shall require the officers in charge of the home office of said association to make out an annual report of the resources and liabilities, receipts and expenses, business and losses of the association, to be verified by affidavit, of which report each stockholder and policy holder shall be entitled to a copy on application at the office of the association. The home office of said association shall be located in the city of Chicago; contracts to which said corporation may be a party shall be valid and binding with or without the seal of said corporation attached.

Management.

Proviso.

Annual reports.

§ 4. At any time within two years from and after the passage of this act the said corporators or such of them as may act, shall proceed to organize the association by the election of the first board of directors, and open books for subscription for the capital stock of said association, and subscribers therefor may be required to pay for the stock so subscribed for by them, in installments as may be ordered by said board of directors, and they may and shall forfeit for the use of the association all installments and payments that may have been made by them thereon upon failure to make due and punctual payment of any installment that may be called for or ordered by said directors. There shall be a meeting of the stockholders at the office of the company, in Chicago, on the third Wednesday of May of each and every year. Six stockholders representing, either by ownership or proxy, one-half the capital stock of the company, shall constitute a quorum for transacting business.

Organization.

- Vote of stockholders. § 5. At all elections for directors the stockholders shall be entitled to one vote, by themselves or proxy, for each share of stock held and owned by them respectively.
- Special indorsement. § 6. The association shall have power to give its special indorsement or its special contract or guarantee for payments of interest or interest and principal of any bond, coupon, due bill, note or other voucher given for the payment of money, and which is amply secured by mortgage or first lien on real estate not otherwise encumbered, or any other merchantable collaterals.
- Investment of capital. § 7. The association may employ its capital and increase thereof in making such investments in secured evidences of debt due or to become due, and in sale thereof, as may be deemed most safe and profitable.
- Guarantee of capital. § 8. A guarantee capital may be acquired by the operation from the issue and sale of certificates of shares therein in such uniform sums, lent in such classes and with such grades of preference as to shares in the net profits as the board of directors may ordain, fix or establish, not inconsistent with this act of incorporation.
- Guarantee of contracts. § 9. The association shall not guarantee or indorse or make any contract except as to and with owners of shares in said capital until at least one hundred thousand dollars shall have been subscribed to the said capital stock, and not until at least twenty-five thousand dollars of said subscription shall have been paid in money towards said capital.
- Increase of capital. § 10. The said capital may be increased from time to time, in such amounts as the majority of the board of directors may deem proper, they first giving sixty days' notice of such intended increase, by written or printed notice mailed to each stockholder to his or her proper address, as such address appears in the books of the association: *Provided*, that at no time shall the said capital be increased so as to become outstanding shares therein, to exceed the sum total of five hundred thousand dollars.
- Notice of amendments. § 11. The board of directors shall give notice to the stockholders of every proposed amendment of this act of incorporation in manner and time as provided in section ten hereof, for an increase in said capital.
- § 12. Shares in said capital stock shall be transferable only on the books of said corporation, according to the rules and regulations of the company.
- Examination of books, etc. § 13. Any director may examine any of the books or vouchers belonging to said association at any time during office hours.
- Finance committees. § 14. The finance committee of the association shall consist of the president or manager, and four other directors under whose supervision all contracts and investments of the fund shall be made. No contract, loan or investment, shall be made, except the same shall be authorized by a majority of said committee.

§ 15. The association may receive, execute and fulfill Trusts.
for any of its share holders, any trust or trusts, which the
board of directors may deem proper to accept for them and
their successors in office.

§ 16 .The business affairs, funds and values of each, and Affairs kept sep-
arate.
every trust accepted for the association by the board of
directors shall be kept separate, each for its own account,
and each of such trusts at its own risk.

§ 17. No loan shall be made to any stockholder on Loans.
pledge of his or her share or shares in the said guarantee
capital.

§ 18. One-tenth part of the half yearly net profits of the Public funds.
association shall be set apart and go to a fund in said asso-
ciation to be designated as the public fund, which with its
net increase, income and remainder shall be invested and
reinvested for its own account, until said public fund with
its net increase shall amount to fifty thousand dollars, and
when and so often as the fund last above named, reaches
the limit last above expressed, then the amount thereof
last above specified shall be expended in the construction
or in the construction and maintenance of such substantial
improvements in the city of Chicago, especially beneficial to
the families of the working classes of said city, as the com-
mon council of said city may approve.

§ 19. As often as said public fund shall amount to one Investment of
public funds.
hundred thousand dollars, that amount shall upon request
of said common council, be invested by said board of
directors in such public stocks as said common council may
designate; and the investment so made shall be kept by
said association as part of the assets of said public fund.

§ 20. The organization of said association shall take Organization.
place within two years from the passage of this act, and not
thereafter.

§ 21. Nothing herein contained shall be construed to Stockholders'
liabilities.
confer on said association any banking powers or privileges.
The stock holders herein shall be responsible in their indi-
vidual property in double the amount of their stock, to
make good all losses to depositors or others, and no assign-
ment of their stock shall release them from said liability
until after the fact of such assignment and name of the
person to whom made, and the amount of said stock shall
have been advertised in some public newspaper printed
in the county where this corporation is doing business and
located for the period of three months. This act shall be
void unless said company shall organize and proceed to busi-
ness within two years after the passage hereof. The said
company shall be subject to the provisions of any law
hereafter passed on the subject of banking, trust or deposit
companies.

§ 22. This act shall be deemed a public act and take
effect from and after its passage.

APPROVED March 7, 1867.

In force Feb.
21, 1867.

AN ACT to incorporate the East St. Louis Board of Trade.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Earnest W. Wider, John O. Butler, B. B. George, Samuel W. Toomer, Wm. G. Kase, G. H. Bender, Robert McCracken, Solon Stark, J. L. Faucett, John Eidman, Nicholas Span-nagel, Leonard Lohrer, Luke H. Hite, and such other persons as are now or may hereafter become associated with them, are hereby created a body politic and corporate, under the name and style of the "East St. Louis Board of Trade," with all the powers and privileges, and subject to all the restrictions of the Chicago board of trade as now created by law.

Name.

Rules, etc.

§ 2. That the rules, regulations and by-laws of the existing board of trade of which the above named E. W. Wider is president shall be the rules and by-laws of the corporation hereby created, until the same shall be regularly repealed or altered, and that the present officers of said association, known as the "East St. Louis Board of Trade," shall be the officers of the corporation hereby created, until their respective offices shall regularly expire or be vacated, or until the election of new officers.

§ 3. This act to take effect from and after its passage.
APPROVED February 21, 1867.

In force Febru-
ary 28, 1867.

AN ACT to incorporate the Belleville Board of Trade.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederick H. Pieper, William H. Linn, Charles W. Thomas, Henry Abend, J. J. Esler, Herman G. Weber, D. H. Murray, Joseph Hanses, Russel Hinckley, William Rempf, Joseph Kirkpatrick, John Klug, William Kellerman and J. B. Keutchler, and such other persons as may hereafter become associated with them, are hereby created a body politic and corporate, under the name and style of the "Belleville Board of Trade," with all the powers and privileges, and subject to all the restrictions of the Chicago board of trade, as now created by law.

Corporators.

Name and style
Powers, etc.

§ 2. This act shall be in force from and after its pas-sage.

APPROVED, February 28, 1867.

AN ACT to incorporate the Chicago Guarantee Association.

In force March
9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be and hereby is established in the said city of Chicago, in said state, an association, to be known by the name and style of the "Chicago Guarantee Association," with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, which may be increased at the will of the directors to any amount, not exceeding five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter specified.

Name and style
Capital stock.

§ 2. Solomon A. Smith, Thomas Church, H. H. Magee, Samuel D. Ward, and William M. Larrabee, of said city, or any three of them, are hereby authorized to open books of subscription for the capital stock of said association, in said city, at such time and place as they shall think proper, after giving ten days' notice of the same, in either of the daily newspapers of said city; said books to be kept open until at least one hundred thousand dollars shall have been subscribed. When the said amount of one hundred thousand dollars shall have been subscribed, the said books may be closed and the subscribers may, after five days' notice being given by said commissioners, or a majority of them, in manner aforesaid, meet and under the inspection of said commissioners or a majority of them, choose their directors, who may, at any time after ten days' public notice given, cause the subscription books to be re-opened, and continue open until the whole or any less amount of said stock shall have been taken.

Stock subscrip-
tion.

Directors.

§ 3. The subscribers of said stock, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate, by the name and style of the "Chicago Guarantee Association," and by that name shall be capable, in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended against, in courts and all places whatsoever, in all manner of actions, suits, complaints and causes.

Powers.

§ 4. The said corporation may have and use a common seal, which they may alter and change at pleasure; and the directors may make, establish and ordain such by-laws, ordinances and regulations as shall, in their opinion, be necessary to carry out the powers herein granted, and for the good government and management of the affairs of said association, and which are not repugnant to the laws and constitution of this state and of the United States.

Seal.

By-laws.

§ 5. The corporation hereby created shall have full power and authority to become grantors or sureties for any person or persons, firms or corporations holding or to hold places of trust, and to this end may make, execute and de-

Business and
affairs.

Business trans-
actions and
operations.

liver any bond or obligation to the United States or any state, and to corporations, associations, firms or individuals in such sums as may be agreed upon, to secure the faithful performance of and duties of any officer or agent of the United States or of any state, corporations or associations, or of any agent, clerk or servant of any firm or individual; and may charge and receive therefor such compensation as may be fixed by authority of the directors of the corporation hereby created; and to do all other acts and things necessary and incident to the exercise of the powers granted by this act. The said corporation hereby created shall also have power to loan any unemployed capital or money on personal, real or other securities, at such rate of interest as may be done under the existing laws of this state, or invest the same in stocks and other corporate securities. They may also cause themselves to be insured and re-insured against all or any risks they may have incurred by virtue of the powers hereby granted. The said corporation may purchase, hold, sell and convey at their pleasure all such real estate as may be deemed necessary for the transaction of its business, and to take and hold any real estate or other property, mortgaged or pledged as security for the payment of any debts due or to become due to it, or for risks incurred in the exercise of the powers hereby granted; and also to purchase and sell by virtue of any judgment at law or decree of a court of equity or any trust deed or power of sale or otherwise, and to take and receive any property in payment or towards satisfaction of any debt due to, or risk assumed by said corporation, and to hold the same until they can conveniently or advantageously sell and convert the same into money or other property.

Payment of
subscribed
stock.

§ 6. The payment of the stock subscribed for shall be made by the subscribers, respectively, at the time and in the manner following, that is to say: At the time of subscribing there shall be paid on each share five dollars, and the balance due on each share shall be subject to the call of the directors, under such penalties as said directors may appoint and order, all shall be secured to be paid on demand or otherwise as the said directors shall direct, by approved notes, hypothecated stocks, mortgages on real estate or other satisfactory security.

Directors—
election of.

§ 7. All the corporate powers of said association shall be exercised, performed and conducted by a board of directors, consisting of nine persons who shall be stockholders. They shall, after the first year, be elected on the first Tuesday in February in each year, at such time and place in said city of Chicago, as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places. Ten days' public notice of said election shall be previously given, and the election shall be held under the inspection of three stockholders to be appointed by the meeting for that pur-

pose, and shall be made by ballot, by plurality of the stock represented, allowing one vote for every share. Stockholders not personally present may vote by proxy, in writing directed to the person representing them at each election. In case that an election shall not be made at the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to make and hold an election of directors, in such manner as may be regulated by the by-laws and ordinances of said association.

Failure to elect.

§ 8. The directors of said corporation shall, as soon as may be after their election in each year, elect from their own body a president and vice president, who shall each, respectively, hold office during the aforesaid term, and until others are elected; and in case of the death or resignation of the president, vice president or any director, the vacancy may be filled by the board of directors. In case of the absence of the president, the vice president, and in case of his absence, a president *pro tem.*, appointed by the board, shall have all the powers and perform all the duties of the president regularly chosen.

Officers.

Vacancy — how filled.

§ 9. The directors may, by the by-laws or ordinances of said association order what number of directors shall constitute a board or quorum, and be competent for the transaction of the business of the corporation, and they shall have power, subject to said by-laws, to appoint from their own body one or more persons to act and assist in the performance of the business of the company, with such salaries and allowances as they may think proper, and also to appoint a secretary, treasurer and such clerks and other servants as they may deem expedient, and shall have power to declare and make dividends of the profits arising from the business of said corporation. All certificates and other instruments, in writing, of said association shall be signed by the president, (or in his absence, by the vice president,) and secretary thereof.

By-laws and ordinances.

Quorum.

Salaries.

Clerks.

§ 10. The stock of said corporation shall be considered personal property and shall be assignable and transferable, according to such rules and restrictions as the board of directors shall, from time to time, make and establish.

Stock personal property, assignable and transferable.

§ 11. All guarantee bonds made by the association by virtue of the powers contained and granted in and by the fifth section of this act, shall be subscribed by the president, or, in his absence by the vice president or such other person as may be authorized by the by-laws, and countersigned and sealed by the secretary of said association; and all losses arising under any bond so subscribed and sealed may be adjusted and settled by the board of directors or such other person or persons as the board of directors may appoint for such purpose.

Guarantee bonds.

Losses arising under bonds.

Expenses—how paid.	§ 12. The expenses incurred by the commissioners in executing the duties required by this act shall be paid out of the moneys received by them of the subscribers to the capital stock, and may be retained by them for that purpose, and the balance so received shall be paid over to the directors as soon as they shall have been chosen.
Lessening of capital stock.	§ 13. In case of any loss or losses whereby the paid capital stock of said company may be lessened before all the installments are paid in, each proprietor or stockholder's estate shall be held accountable for the installments that may remain unpaid on his share or shares at the time of such loss or losses taking place. And no subsequent dividend shall be made until the sum arising from the profits of the business, or by payments by stockholders sufficient to make good said capital stock, shall have been added thereto:
Liabilities of stockholders.	<i>Provided</i> , that the stockholders shall not be individually liable beyond the amount of the stock, at par value, held by them respectively.
Proviso.	§ 14. The business of the association shall be carried on at such place in said city of Chicago as the directors shall direct.
Place of business.	§ 15. This charter shall be void and of no effect unless the association shall organize under it and agreeably to its provisions within five years from the passage of this act, and this act shall take effect and be in force from and after its passage, and shall continue in force for the term of fifty years; and after the expiration of the time for which the said corporation is created, it shall be lawful to use the corporate name, style and capacity for the final settlement and liquidation of its affairs and accounts in all cases and for the sale and disposition of its estate, real and personal.
Time of organization limited.	
Term of charter	
APPROVED March 9, 1867.	

In force February 22, 1867. AN ACT to authorize the inhabitants of the various townships of Fulton county to subscribe to the stock of railroad companies in said county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the various townships in the county of Fulton are hereby authorized to subscribe for shares of stock in any railroad company whose track or road-bed shall be located in said county, in any sum not exceeding thirty thousand dollars, by any one of said townships, which stock so subscribed, shall be under the control of the supervisor, assessor and town clerk, or any other person or persons, that they, or a majority of them may duly appoint, in all respects as stock subscribed by individuals, who shall hold the same for the benefit of the school fund of the respective townships.

Powers and obligations of townships.

§ 2. That for the payment of stock so subscribed, the said supervisors of the respective townships are hereby authorized and required to issue bonds of said township to said railroad companies, at par, in the sum of one hundred dollars each, bearing interest at the rate of ten per cent. per annum, payable annually, with interest coupons annexed and executed by the supervisors of the respective townships and countersigned by the town clerk, to an amount not exceeding thirty thousand dollars, and to pledge the faith of said townships for the annual payment of the interest and ultimate redemption of the principal, which bonds may run any period, not exceeding fifteen years. The avails of said bonds, when so issued, shall be applied by the directors of said railroad company or companies, in the finishing and completing the road-bed, tying and ironing the same, and for no other purpose.

Indebtedness.

§ 3. That before the stock aforesaid shall be subscribed, an election shall be held in the respective townships to ascertain whether the citizens of said township are desirous that said subscription shall be made, which said election may be held at any time within five years from the passage of this act, and shall be called by the supervisor of said township, on the written request of twelve freeholders, who shall be legal voters of said township, by posting notices in at least five public places in said township ten days before said election, stating the time, place and object of such election, and the returns thereof made as is now provided by law for the annual election of town officers.

Mode and object of elections.

§ 4. At the election to be held under this act, the vote shall be taken by ballot, upon which shall be printed or written, or partly printed and partly written, "For the railroad" or "Against the railroad," and if it shall be found that a majority of the legal voters of said township voting upon the question, have voted for the railroad, then the subscription to the stock, as aforesaid, shall be made and bonds issued as hereinbefore provided.

§ 5. If a majority of the votes cast at the election held under this act shall be "For the railroad," then the board of supervisors, of the county of Fulton, shall levy a special tax upon all the taxable property in said township sufficient to pay the principal and interest on said bonds as they shall become due, which tax shall be extended by the clerk of the county court, and collected by the collector of said township at the same time and in the same manner that the other tax of said township are levied and collected, with the same rights, powers and remedies to enforce the collection of said tax, by the sale of property or otherwise, as is now provided for the collection of other taxes for revenue and other purposes, and, when collected, the collector shall pay the same over to the supervisor of said township, who shall pay the same to the legal holder or holders of said

Tax levied conditionally.

Supervisor to
give bonds.

bonds at maturity: *Provided*, That said supervisors, before receiving said tax, shall, in addition to the bond now provided by law, give an additional bond, with good and sufficient security, in such sum as shall be fixed by the board of town auditors.

§ 6. This act to be in force from and after its passage.

APPROVED February 22, 1867.

In force Febru-
ary 20, 1867.

AN ACT to legalize the sales and conveyance of swamp and overflowed lands in the county of Crawford.

Sales of swamp
lands.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all sales, grants and conveyances heretofore made or executed by the county court of said county of Crawford, or by the drainage commissioners, clerks of the county court of said county, or other person or persons in pursuance of the order or authority of said court, of lands granted as swamp or overflowed lands, to the said county of Crawford, by the state of Illinois, be and the same are hereby made and declared to be valid and effectual both at law and in equity for the full and complete transfer, conveyance and assurance of all the right, title and interest of the said county in and to said lands unto the respective purchasers and grantees aforesaid thereof, their heirs and assigns forever.

Declared valid.

§ 2. This act shall be taken as, and is declared to be, a public act, and shall take effect from and after its passage.

APPROVED February 20, 1867.

In force Febru-
ary 12, 1867.

AN ACT to enable the people of De Kalb county to relocate the county seat and erect public buildings.

Elections—vote
upon establish-
ing half shire
towns.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the qualified voters of the county of De Kalb, at the time and place of holding town meetings for the election of town officers, to be held in the several towns on the first Tuesday of April, A. D. 1867, are authorized to vote upon the proposition to create and establish two half shire towns, which shall thereafter be the seat of justice for said county, which half shire towns shall be the town of Sycamore and the town of Sandwich in said county; the vote to be by ballot, each voter's intention to be defined by the words—"For relocation of county seat at Sycamore and Sandwich," or "against

Manner of
voting.

relocation of county seat at Sycamore and Sandwich," and the said vote shall be ascertained by the officers of said election, according to the provisions of the general election law: *Provided*, that no new registration of voters shall be necessary for said election other than that made, corrected and used at the last general election which may be used: *Provided*, *further*, that any legal voter, whose name does not appear upon said registry, may file the proper affidavit as provided by law, and vote at said election. The officers of said election shall, in addition to the town clerk and moderator, as provided for at town meetings, consist of the supervisor and collector of the several towns, and also an additional clerk, who shall severally be sworn to perform the duties of their respective offices, the same as at general elections, or in case of the absence or inability of either of said officers to serve upon said board of election, the voters present at the opening of said election may select any other legal voter or voters present to act as judge or judges of said election in the place of those designated. Said board shall receive for their services a per diem the same as at other elections, out of the county treasury. Proviso.

§ 2. The result of said election in the several towns shall be ascertained in the usual manner and be properly attested by the board of said election, as well for town officers as for and "against relocation" And the result of said vote "for relocation" and "against relocation" shall be returned to the clerk of the county court by one of said board of election within four days after said election. And the votes of the several towns when so returned shall be canvassed in the same manner as now provided by law in the case of election of county officers, the result of which canvass shall, by the clerk of the county court be spread upon the record of the board of supervisors and also by him to be duly certified to the secretary of state. Returns attest-
ed.

§ 3. If a majority of the votes of said county so cast shall be "for relocation" of county seat at Sycamore and Sandwich as aforesaid, then said county clerk shall immediately notify William Patten, Robert Hampton and W. L. Simmons of said county of the fact, which said William Patten, Robert Hampton and W. L. Simmons are hereby constituted and appointed commissioners to select the place for and to superintend the erection of public buildings, at and within the corporate limits of the town of Sandwich. And when they shall have selected such location, they shall cause a map of the same to be made and filed, together with an abstract of the title to said lands, so mapped, in the office of the clerk of the county court, which said lands said commissioners are authorized to purchase for, and in behalf of the county, for a sum not exceeding one dollar and the title to said lands, together with the map shall be recorded in the recorder's office of said county. Commissioners
and duties.

Use of public
buildings.

§ 4. The present public buildings at Sycamore, shall be used as a halfshire for the northern towns, of said county, as hereinafter provided and whenever any number, not less than five responsible citizens of Sandwich or the town of Somonauk, shall enter into bonds with said commissioners for the use of the people of said county to be approved by the judge of the county court conditioned, that without charge or expense to the county, they will erect or cause to be erected, a suitable building or buildings on said site, so selected and purchased by said commissioners, for a court house with suitable offices, for the use and accommodation of the several county officers or their respective deputies and finish and deliver the same to the county, ready for public use on or before the first day of January 1871, and file the same in the office of the clerk of the county court, said commissioners shall procure suitable temporary rooms at Sandwich for holding courts and for the several county officers who are required to hold offices at the county seat, which said rooms shall be used until the public buildings shall have been completed and accepted, when said public buildings shall thereafter be used for said purposes; and whenever the public buildings, above provided for to be erected, shall have been approved and accepted by said commissioners on behalf of the county, said bond shall be released.

Court house.

Duties of county
officers.

§ 5. When the site shall have been located at Sandwich and suitable rooms procured as aforesaid, it shall be the duty of all the county officers who are now required by law to reside at or hold an office at the county seat, except the county treasurer, who shall hold his office at Sycamore, to reside at or open and keep an office at Sandwich, either by themselves or their deputy or deputies, to be by them appointed for that special duty, which deputies shall first, be qualified for the duties of their several offices by filing a bond for the same amount in the same manner, for the same purpose that their said several principals by whom they are appointed, are now required by law to file before entering upon the duties of their several offices, and shall also take the same oath of office, in the same manner as far as applicable, as is now prescribed by law for said principal officers to take, and shall be liable thereon to all the pains and penalties that their said principals now are or may be, for any and all neglect of the duties of the said several county offices, and shall each respectively have all the right, power and authority of their said several principals, to do any and all acts, now required by law of their said several principals as such county officers, and said principal shall be entitled to the same fees and emoluments of office, as now are or may hereafter be allowed by law, for all business done at either half shire town.

§ 6. The several county officers who are now required by law to hold an office at the county seat, except the county treasurer, shall by themselves or their deputies open their several offices in Sandwich within sixty days after suitable buildings or rooms shall have been provided by the said commissioners for them as aforesaid, and occupy them temporarily until the court house or public buildings hereinbefore provided for shall have been completed, when they shall thereafter be held in said public buildings and shall do and transact all such business for the six southern towns of said county at their Sandwich office, as said county officers are now required by law to do at Sycamore for the whole county.

Opening of offices.

Transaction of business.

§ 7. The June term of the county court with its jurisdiction extended under the act entitled "an act to extend the jurisdiction of the county court of DeKalb county, approved February 12, 1863, and the July term of said court with its probate jurisdiction, and also the September term of the circuit court for the year 1867, shall be held in Sandwich in the rooms to be provided for that purpose, and thereafter every succeeding term of said several courts shall be held alternately at Sycamore and Sandwich: *Provided*, that rooms for the use and accommodation of said several courts shall be procured by the corporate town of Sandwich without charge to the county until the county buildings shall have been completed. Each of the four terms of the county court with the extended jurisdiction to be held each year shall be jury terms.

Place of holding courts.

§ 8. The board of supervisors shall hold their meetings and keep their records at Sycamore, and shall select from the six southern towns of said county a sufficient number of persons to serve as jurors at the several terms of said courts to be held at Sandwich, and from the twelve northern towns of said county a sufficient number of persons to serve as jurors at the several terms of said court to be held at Sycamore, including grand jurors for both terms of the circuit court, such jurors to be selected summoned and empaneled as now provided by law: *Provided*, that the board of supervisors may at any time hold a called or adjourned meeting at Sandwich.

Meetings of supervisors.

Provide.

9. All cases either at law or in equity, and all proceedings which now are or may hereafter be provided for by law, may be commenced either at Sycamore or Sandwich. But whenever a majority of the parties to such cause or proceedings, residing within said county of De Kalb, may reside within the northerly twelve towns of said county, when any such cause or proceeding shall have been commenced at Sandwich or may reside within the southerly six towns of said county, when any such cause or proceeding shall have been commenced at Sycamore, the venue in such cause or proceeding shall on motion of any of the

Suits at law.

Change of venue.

parties thereto, who may reside within said county be changed to the other half shire respectively, unless the other party shall oppose the same by filing an affidavit showing to the court that some one or more of the reasons for which the venue of a cause may now be changed from one court to another, exist within the towns which compose the half shire to which it is proposed to change the venue of any such cause or proceeding, in which case the venue shall not be changed. A change of venue may be taken from Sandwich to Sycamore and from Sycamore to Sandwich, and from either to other courts and places by consent of parties, and for the same causes that are now provided for by law, and all judgments and decrees at Sycamore, shall be liens upon the real estate of the party against whom such judgment or decree may have been rendered lying and being within the northerly twelve towns of said county only, and all judgments and decrees rendered at Sandwich shall be liens in like manner within the southerly six towns of said county only.

Seals of courts.

§ 10. The board of supervisors of said county shall procure two seals for each of said courts, one of which having the name of the half shire town inscribed thereon, shall be kept in the clerk's office of the respective courts at Sycamore, and the other inscribed in like manner shall be kept in the clerk's office of the respective courts at Sandwich, the clerk of said courts respectively, either by himself or his deputy aforesaid, shall be the keeper of said seals, and shall himself or by his deputy issue writs and processes which shall be signed and tested in the name of the clerk and sealed with the seal of the court for the half shire town in which said writ or process is issued, and every such writ and process so issued shall be returnable to the office from which it issued, and said deputy clerk of each of said courts shall have all the right, power and authority to issue all papers and to do any and all business pertaining to the duties of said office that said clerks now or hereafter may lawfully do as clerks of their respective courts, and shall be entitled to the same fees for their services for the use of their several principals, as such principals now are or hereafter may be entitled by law, and a service of any notice or legal process upon said deputy in any case in which it is necessary to have a service upon said clerk or clerks pertaining to or growing out of said office kept by said deputy.

Clerks duties.

Records.

§ 11. The record of all deeds, mortgages and other papers pertaining to or affecting the title to any real or personal estate, which by law is a matter or subject of record and lying within the six southern towns of said county shall be made and kept at Sandwich, and said record or copies thereof duly certified under the seal of his said office, by said clerk or deputy, shall have the same force and effect and may be used in evidence in all courts and places what-

ever, the same as any and all public records of any county in this state now are or hereafter may be used.

§ 12. Whenever a sufficient fund is provided for that purpose in the manner hereinafter specified, or in any other manner, it shall be the duty of said commissioners to appoint some competent person a special commissioner to transcribe all such portions of the records of De Kalb county as relates to lands lying within the limits of the six southern towns of said county, who shall take an oath of office before some person authorized by law to administer oaths, that he will discharge the duties of his said office to the best of his ability and make a full, true and complete transcript of the record of all deeds, mortgages and other title papers affecting any lands or real estate lying within said six southern towns, when said special commissioner so appointed shall have taken said oath of office, he shall, on being furnished by the county with suitable blank books for which he shall receipt to the clerk of the county court first record in each book so used by him, a copy of his appointment and also his oath of office, and then proceed to enter into such books in their proper order a copy of all such deeds, mortgages or other liens or title papers of every description together with the certificate of acknowledgment thereto affecting the title to any lands lying within the limits of said six southern towns of said county which have been recorded in the recorder's office at Sycamore, together with the time when all such papers were filed in said office for record. For the purpose of making the copies or transcribing the records aforesaid, the said special commissioner shall have access to the records of said office, at all such times as said office may be open for business, but not so as to interfere with the ordinary duties of the office. And there shall be allowed to said special commissioner for that service such sum as may be agreed upon, not exceeding four thousand dollars, to be paid out of the fund to be provided for that purpose and paid quarterly as said work progresses. When said special commissioner shall have completed his work, the same shall be deposited in the recorder's office of Sandwich, and they shall thereupon be taken and considered to all intents and purposes as books of record of all papers affecting the title to lands in said six southern towns and copies of said papers duly certified under seal of office by the officer or deputy having custody of said books of record, shall be deemed and taken as evidence in all courts and places in the same manner that copies of record are evidence in other cases, and with like effect.

§ 13. Whenever the words "at the court house in said county" shall be found in any instrument of writing or of legal value, meaning the court house of De Kalb county, it shall be deemed and taken to mean at the court house of the half shire town of that part of said county wherein the land lies or property is referred to in said instrument.

Special commissioners.

Meaning of the words "at the court house in said county."

Vote upon levying taxes.

§ 14. The legal voters of the town Somonauk at any general or regularly called special town meeting may after due notice given as for the election of township officers vote for or against levying a tax of not exceeding one per cent. on all the taxable property in said town, for the purpose of defraying the expense of erecting a suitable building or buildings for a court house and county offices at Sandwich, said vote to be by ballot upon which shall be written or printed, or partly written and partly printed, "for taxation" or "against taxation." If it shall appear that a majority of the voters voting on that question, shall have cast their vote for taxation, the same shall be duly certified to the clerk of the county court and board of supervisors, and said tax shall be ordered by said board and levied and collected as other taxes for town purposes are levied and collected, and paid over by the collector of said town to the supervisor, and by him be applied in defraying the expense incurred in erecting said buildings.

Manner of voting.

§ 15. The legal voters of the six several southern towns at any general or regularly called special town meeting after due notice given as for the election of township officers, may vote for or against levying a tax of not exceeding one-half of one per cent. on all the taxable property in said town for the purpose of defraying the expense of transcribing the records, as provided for in section twelve of this act, said vote to be by ballot, upon which shall be written or printed, or partly written and partly printed, "For transcribing" or "Against transcribing." If it shall appear that a majority of the voters voting on that question in any one of said towns shall have cast their votes for transcribing, the town clerk of each town having so cast a majority vote shall certify the same to the clerk of the county court and board of supervisors, and whenever it shall appear that all of the several six southern towns shall have voted for transcribing, the board of supervisors, at their first regular September session thereafter, shall order the same to be levied and collected as other taxes for county purposes are levied and collected, and paid over by the collectors of the several towns to the county treasurer, to be held by him as a special fund and subject only to the order of said commissioners for the purpose of transcribing the records as hereinbefore provided for; and should any surplus remain, after payment of said special commissioner for such service, the same shall be paid over to the supervisors of said six towns for the use of the same, *pro rata*, according to the amount raised by each: *Provided*, that it shall not be necessary that the election for that purpose in the six several towns shall be held on the same day: *And provided*, that if any one or more of said towns shall vote against transcribing, the supervisor of said town or towns shall, at any future time or times, on request in writing, signed by at least

Levying of taxes.

Special fund.

Proviso.

twenty legal voters of said town, call another meeting or meetings to vote on that question: *And also provided, further*, that each of the said several towns may vote such tax for the purpose of transcribing said records so far as the same relates to said town.

§ 16. Public notice shall be given of said election for and against relocating of county seat at Sycamore and Sandwich, by the county clerk, in the newspapers published in said county, and the town clerks of the several towns shall cause a copy of said notice to be posted up in three of the most public places in their several towns, stating specifically the object of such election, but notices of said election may be published and put up in the said several towns by any citizen of the county, as aforesaid, and if actually published and put up in the said several towns by any citizen of the county, as aforesaid, and if actually published and put up in the said several towns, the same shall be deemed legal and sufficient notice of said election: *And provided also*, that the refusal of the publisher of any newspaper in said county to publish said notice shall not render said election invalid.

Public notice of elections.

§ 17. All acts or parts of acts which shall be in contravention of this act, are hereby repealed.

Contravening acts repealed.

§ 18. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 12, 1867.

AN ACT to enable the county of Pope to construct county buildings.

In force February 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in case the county court of Pope county think it expedient to borrow money for the purpose of purchasing a farm and erecting a poor house thereon, or for building a jail for said county, or for building a court house upon the public square in Golconda, or for all or any one of the purposes aforesaid, they may issue bonds of said county in the aggregate sum of not more than thirty thousand dollars.

Borrow money.

§ 2. That said bonds shall not be made to run for a longer time than twenty-five years, and may be made redeemable at any time at the option of the county court of said county, and shall bear not more than ten per cent. interest per annum, payable semi-annually in New York, on the first days of January and July of each year.

Period of.

Rate of interest

§ 3. That the county court of said county may levy a special tax of not more than three mills on each dollar, per annum, on the taxable property of said county, to be col-

Special tax.

lected for the payment of the interest or principal of said bonds.

§ 4. This act shall be taken and deemed a public act and shall be in force from and after its passage.

APPROVED February 18, 1867.

In force March
6, 1867.

AN ACT to authorize the counties of Woodford, La Salle and Livingston and the townships, cities, incorporated towns and corporations in said counties, to subscribe to the capital stock of any railroad company that now is or hereafter may be incorporated in the state of Illinois.

Corporation
subscription.

Submitted to
legal voters.

Amount of sub-
scription.

Duties of clerks

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the counties of Woodford, La Salle and Livingston, and the townships, cities, incorporated towns and corporations in said counties, that now are or hereafter may be organized in said counties, may become subscribers to the capital stock of any railroad that now is or hereafter may be incorporated in this state, and may issue bonds for the amount of such stock so subscribed with coupons for interest thereto attached under such limitations and restrictions and on such conditions as to them may seem right for the best interest of said counties, townships, cities, incorporated town, or other incorporation, any all or either of them, and the directors, of said railroad company may approve of the proposition for any such subscription, the same having first been submitted to the legal voters of such county, township, city, incorporated town or other corporation, as aforesaid, and approved by a majority of said legal voters, who may vote upon the question and upon the application of twenty legal voters and tax payers of any county, township, city, incorporated town, or of three members of any corporation as aforesaid, specifying the amount to be subscribed, said amount not to exceed the sum of one hundred thousand dollars, for any one such county, township, city, incorporated town or other corporation, to be subscribed for any one railroad company (and the amount that any corporation may vote to subscribe shall be left to said corporation, and the railroad company in which said corporation takes stock) and the condition of said subscription shall be set forth in said application, and it shall be the duty of the clerk of any such county, township, city, incorporated town, or other corporation, immediately to call an election by posting up notices at least twenty days, in each township or voting place, in said county, if the vote is to be taken by a county, or if by a township, then by the clerk of said township, in three of the most public places in said township, or if by a city, at three of the most public places in said city or if by an incorporated town, at three of the most public places in said incorporated town, or if by a corporation,

then at the usual places of holding elections in the state for the election of their corporation officers. Said election shall be held for the purpose of determining whether said county, township, city, incorporated town or corporation, shall subscribe to the stock of the railroad company, named in said call and notices, and if a majority of said voters, voting at said election, shall be for subscription, then the county court or board of supervisors, having jurisdiction over the county matters of said county, or the corporate authorities of such city, incorporated town, or supervision of such township, or the president of such corporation shall make or cause to be made, said subscription to said capital stock of said railroad company, and upon said subscription so voted, being accepted or received by the directors of said railroad company, shall cause bonds to be issued in compliance with said vote, which bonds shall in no case, bear a higher rate of interest than ten per cent. per annum, and said interest shall be paid out of the treasury of the county in which any of the said townships, city, incorporated towns or corporation shall be located, and said bonds shall not be for a less amount than one hundred dollars, each of which said bonds may run for a term of years not exceeding twenty: *Provided*, each county, township, city, incorporated town or corporation, may by their votes determine on what part of said railroad their stock, so by them voted and subscribed, shall be expended and said bonds shall be accepted by said railroad company, at their face or at par value.

Duties of supervisors.

Bonds to be issued—rate of interest.

Proviso.

§ 2. It shall be the duty of the clerk of any township, city, incorporated town or other incorporation, to return the poll book of said election, so held in such township, city or incorporated town or other corporation, together with a certificate of the result of said election, to the county clerk, of the county or counties, in which said township, city or incorporated town or other corporation may be located, within ten days after said election. And if a majority of the legal voters of such county, township, city or incorporated town, shall have voted for said subscription, then it shall be the duty of the county clerk of each county in which any such town, city or incorporation town has voted such stock, to annually thereafter cause to be computed and extended on the taxable property, both real and personal, returned by the assessor of each county, township, city, incorporated town, or other corporation which have voted to subscribe for any such stock, a sum sufficient to pay the interest on all such amounts so voted and named in the bonds so issued by the respective counties, townships, cities, incorporated towns or other corporations, which tax shall be collected as other taxes, and when collected, shall be paid into the county treasury as other county taxes.

Return of poll book.

Taxable property extended.

§ 3. It shall be the duty of said county treasurer to pay out the same, on the presentation to him, of the bonds or

Treasurers duty.

bond so issued by any county, township, city, incorporated town or corporation, as aforesaid, the amount due on each of said bonds, as interest, out of any money or moneys in his hands for that purpose, and receive the interest coupons then due, as vouchers for the same. He shall also keep a separate account with each county, township, city, incorporated town or corporation, which account shall at all times be subject to inspection of all persons interested.

Elections and
voting.

§ 4. At all elections for officers, or other questions to be voted upon, by the stockholders, of said railroad corporations, in which said stock is taken, the chairman of the boards of supervisors, the supervisors of said town, the mayor of said city, the president of said incorporated town, and the president of said corporation, or by proxy of either of the aforesaid, shall represent and cast the votes which said stock, so subscribed, is entitled to.

Mistakes.

§ 5. It is further enacted, that no mistake in the giving of the notice, or in the canvass, or return of votes, or in the issuing of the bonds, shall not in any way invalidate the said bonds, so issued: *Provided*, that there is a majority of the voters at such election, in favor of such subscription.

§ 6. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED March 6, 1867.

In force March
9, 1867.

AN ACT to create the county of Lincoln, and for other purposes.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that portion of the counties of Vermilion and Champaign lying and being within the following boundaries and described as follows, to-wit: Beginning at the southwest corner of section thirty-one (31), in township seventeen (17) north of range ten east, the same being in the said county of Champaign; thence north to the northwest corner of section thirty-one (31), in township eighteen (18) north of range ten (10) east; thence east to the northeast corner of section thirty-two (32); thence north to the northwest corner of section twenty-eight (28); thence east to the northeast corner of said section twenty-eight (28); thence north to the northwest corner of section twenty-two (22); thence east to the northeast corner of said section twenty-two (22); thence north to the northwest corner of section fourteen (14); thence east to the northeast corner of said section fourteen (14); thence north to the northwest corner of section one (1); thence east to the northeast corner of section one (1), all in township eighteen (18) north of range ten (10) east; thence

north on the range line between ranges ten east and eleven east, to the township line between townships twenty (20) and twenty-one (21); thence west to the southwest corner of section thirty-six (36), township twenty-one (21) north of range ten (10) east; thence north on the section line to the county line, the same being the northwest corner of section one (1), in township twenty-two (22) north of range ten east; thence east to the county line between the counties of Vermilion and Champaign, being the northeast corner of section four (4), in township twenty-two (22) north of range fourteen (14) west; thence east to the northeast corner of section four (4), in township twenty-two (22) north of range thirteen (13) west; thence south on section line to the township line between townships twenty (20) and twenty-one north of range thirteen (13) west; thence east to the northeast corner of section three (3), township twenty (20) north of range thirteen (13) west; thence south on section line to the county line, the same being the southeast corner of section thirty four (34) in township seventeen north of range thirteen (13) west; thence west on county line to the place of beginning, be and the same is hereby created into a new county, to be called the county of Lincoln: *Provided*, that a majority of all the legal voters for said counties of Vermilion and Champaign, voting on the question, respectively, shall vote for said new county at an election to be held in manner hereinafter provided.

New county.

Proviso.

§ 2. The qualified voters of said counties of Vermilion and Champaign may, at a special election, to be held in the several towns in said counties, on the second Tuesday in July next, vote for or against the creation of said new county of Lincoln, by ballot, upon which shall be written or printed, or partly written and partly printed, the words "For the new County," or "Against the new County."

Election.

Time

§ 3. The clerks of the county courts of the said counties of Vermilion and Champaign shall give notice of said election in the several towns or election districts of said counties, in the same manner as notice of general or special elections are given in other cases; and the judges and clerks of election in the several towns or election districts of said counties shall keep a list of the votes polled at said election, and conduct the same in all respects, and make returns thereof to the clerks of the said county courts of the said counties of Vermilion and Champaign, respectively, and in the same manner as is provided by law for general elections. All vacancies in the boards of election shall be filled in the same manner as is provided by law in other cases. The clerks of said county courts shall each, within ten days after said election, or as soon thereafter as said returns shall be received, proceed to canvass the said returns of said election, in the same manner as in general elections,

Notice—list of votes.

Canvassing.

Time.	and shall, within five days thereafter, make returns of said vote to the secretary of state.
How voted.	§ 4. If it shall appear that a majority of all the voters in said counties of Vermilion and Champaign, respectively, voting upon the question, have voted in favor of the creation of said new county of Lincoln, then there shall be held a
Election.	special election in the several towns or election districts comprised within the limits in this act described for said
Time.	new county of Lincoln on the first Monday in August next, for county officers. In case of fractional towns or precincts which have become detached by the boundaries of the said new county, the voters thereof may, at the first election for county officers, vote within such town or precinct within said new county as they may deem most convenient. The said election to be conducted by the judges of election then in office, under appointment or election, in said counties of Vermilion and Champaign, and to be held at the place or places of holding the last general election. In case of vacancy in the board of election, or non-attendance, said vacancy or place of any absentee shall be filled in the same manner as is provided by law in other cases of elections at which election the qualified voters of said new county of Lincoln shall elect all county officers for said county, except such as are hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and who shall continue in office until the next general election for such officers, and until their successors are elected and qualified; and who shall have all the jurisdiction and perform all the duties which are or may be conferred upon such officers in other counties of this state.
	§ 5. All the justices of the peace, constables or other town or precinct officers, who have been heretofore elected and qualified in said counties of Vermilion and Champaign, whose term of office shall not have expired at the time of said election, and whose residence shall be embraced within the county of said county of Lincoln, shall continue in office until their term of office shall expire and until their successors shall be elected and qualified.
Location — how decided.	§ 6. For the purpose of fixing the permanent location of the county seat of said county of Lincoln, the voters of said county shall at said election for county officers, vote for some place, to be designated upon their ballots, for a county seat, upon which ballot shall be written or printed or partly written and partly printed, the name of the place intended for the county seat. The place receiving a majority of all the votes cast upon the question shall be the county seat of said county of Lincoln; but if no one place shall receive a majority of all the votes cast upon the question, then it shall be the duty of the county court of said county to call another election within thirty days thereafter, at the
Election. Manner of conducting.	

several places of holding elections in said county, at which election the voters of said county shall proceed to vote as before, but shall choose from the two places having the greatest number of votes at the former election, and the place having the majority of all the votes cast at the second election shall be the permanent county seat of the said county of Lincoln.

§ 7. Notice of said election for county officers shall be given by the clerks of the county courts of Vermilion and Champaign, respectively, in the same manner as in cases of general elections. Said notice shall specify that a vote will be taken upon the location of the county seat. The returns of said election for county officers shall be made to the clerks of said courts, who shall cause the same to be opened and canvassed, and returns thereof made in the same manner as is provided by law in other cases.

Notice—how
given.

§ 8. All suits and prosecutions that have been or may be commenced in the said counties of Vermilion and Champaign including all matters in the county court, in matters of probate before the organization of said county of Lincoln, shall not be affected by this act, or the operation thereof, but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination, in the said counties of Vermilion and Champaign and the officers of said counties are hereby authorized to execute all writs that may be necessary for the completion of said suits, prosecutions, or proceedings within the limits of the said county of Lincoln, and all judgments that may have heretofore been obtained or that may hereafter be obtained in said counties of Vermilion and Champaign before the organization of said county of Lincoln, shall have the same lien upon all property within the limits of said county of Lincoln as if the said territory had not been created into a separate county.

Actions com-
menced.

§ 9. As soon as the county officers shall be elected and qualified as aforesaid, the said county of Lincoln shall be considered organized. The oath of office may be administered to the several county officers by any person within the county limits of the new county authorized by law to administer oaths, and as soon as said county is organized the clerk of the circuit court shall give notice thereof to the judge of the circuit in which said county may be embraced who shall thereupon hold court at such place in said county of Lincoln as the county court thereof shall designate until the county seat of said county shall become permanently located as heretofore provided, which court shall be holden at such times as the judge of said circuit shall appoint until otherwise provided by law; and until otherwise provided by law the said county of Lincoln shall be taken and considered as a part of the twenty-seventh judicial circuit of the state of Illinois.

Organized.

Oath of office.

Courts—how
holden.

School funds—
how regulated.

§ 10. The school funds if any in the hands of the school commissioners of the counties of Vermilion and Champaign belonging to the several towns or parts of towns embraced within the limits of said new county of Lincoln, shall be by said commissioners paid over to the school commissioner of said county of Lincoln so soon as he shall have given bond and been qualified on demand made.

Commissioner's
oath of office.

§ 11. The county court of the said county of Lincoln shall at some term of said court by an order to be entered upon their records, appoint some competent person a commissioner for the purpose hereinafter expressed, who shall take an oath of office before some officer of said county authorized by law to administer oaths. Said court shall at the same time provide a sufficient number of well bound blank books and deliver the same to said commissioner who shall execute a receipt therefor to the clerk of said court, and as soon as the same shall be delivered to said commissioner he shall record in each book a copy of the order of appointment and oath of office, and shall thereupon proceed to transcribe into such books, all deeds, mortgages and title papers of every description with the acknowledgments and certificates in relation thereto of lands lying in the said county of Lincoln which have been recorded or may hereafter be recorded before the organization of said county in the recorder's offices of the said counties of Vermilion and Champaign; such commissioner shall be allowed by said county court such sums as his services shall be worth, to be paid out of the county treasury, said commissioner shall note at the end of each paper he shall transcribe, the book and page from which the transcript shall be taken, and shall make a correct double index of said records, and on the completion of his duties said commissioner shall return said books to the clerk of the circuit court of said county of Lincoln, whereupon they shall be taken and considered to all intents and purposes as books of records of deeds, mortgages, and title papers for said county of Lincoln, and copies of said records certified by the officer having the custody of the same, shall be evidence in all courts and places in the same manner that deeds and title papers regularly recorded in the recorder's office are evidence, and with the same effect.

Swamp lands.

§ 12. Of the swamp lands lying within the present limits of the counties of Vermilion and Champaign, and of the proceeds of sales of said lands heretofore made and which may hereafter be made before the organization of the said county of Lincoln after deducting all expenses paid by, and for which the said counties of Vermilion and Champaign may be liable, the said county of Lincoln shall receive and be entitled to a share in proportion to the number of congressional townships and parts of townships lying within the boundaries of the said county of Lincoln, and the shares of

the said counties of Vermilion and Champaign, respectively to said lands and proceeds of sales thereof as aforesaid, shall be in proportion to the number of congressional townships and parts of townships remaining within the limits of each of said counties after the said county of Lincoln shall have been organized.

§ 13. The secretary of state shall forthwith furnish to the clerks of the county courts of the said counties of Vermilion and Champaign, certified copies of this act. Secretary of state.

§ 14. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT relating to the county of Adams and city of Quincy.

In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the year eighteen hundred and sixty-seven, and thereafter from year to year, the city of Quincy shall pay the county of Adams, as its equitable proportion of county expenses, the sum of three thousand dollars, and the same shall be collected and paid over as follows: The county clerk shall annually estimate and extend in the collector's books for collection of state taxes within the city, an adequate per centum to pay said sum in like manner as the state tax is estimated and extended, and the same shall be collected with and in like manner as state taxes within the city, and paid into the county treasury: *Provided*, if prior to such estimate and extension the city shall exhibit and file with the county clerk the receipt (given to the city) of the county treasurer for said sum for the current year, the county clerk shall not make such estimate and extension, and in no other respect is any law relating to the city of Quincy or to the relations of the said city to the county of Adams changed or affected by this act.

Payment of county expenses—amount of—how collected.

§ 2. The county of Adams is empowered to increase the county levy for ordinary purposes of the county to not exceeding seven and one-half mills on the dollar in any one year. This act shall take effect from its passage.

Increase of the county levy.

APPROVED March 8, 1867.

In force Feb'y 13, 1867. AN ACT to authorize the board of supervisors of Lake county to make an appropriation in aid of the "Lake County Soldiers' Monument Association."

Amount of. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Lake county are hereby authorized at any regular or special term or session thereof to appropriate out of the county funds a sum not exceeding two thousand dollars to aid the Lake County Soldiers' Monument Association in the construction and erection of a monument to the memory of Lake county's soldier dead.

Object of. § 2. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1867.

In force Feb'y 9, 1867. AN ACT to authorize the county of Richland to issue bonds and to levy a tax for the purpose of building a court house in said county.

Value of bonds. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors in the county of Richland are hereby authorized and empowered to issue bonds of said county, not to exceed in value the sum of \$75,000, which said bonds shall be payable in not less than one nor more than twenty years, and bear interest at a rate not exceeding ten per cent. per annum, and to levy a tax on all the taxable property in said county to raise funds to liquidate said bonds and the interest thereon, for the purpose of building a court house on the site occupied by the present court house in the county of Richland. Said board of supervisors may, at their discretion, in lieu of issuing bonds as aforesaid, levy a tax on all the taxable property in said county, not to exceed fifty cents on the one hundred dollars, per annum, until the sum of seventy-five thousand dollars be raised for the purpose aforesaid. No bonds shall be issued or tax levied as aforesaid, unless a majority of all the supervisors of said county shall vote thereon.

When payable.

Rate of interest.

Purpose of.

Tax.

Collection of. § 2. All taxes that may be levied, as aforesaid, shall be collected at the same time, in the same manner and by the same officers who may collect the revenue for state and county purposes, and the laws now in force and applicable to the collection of the taxes provided by this act.

§ 3. This act is hereby declared a public act, and shall take effect from and after its passage.

APPROVED February 9, 1867.

AN ACT to authorize the board of supervisors of the county of Woodford to borrow money for the purpose of buying a poor farm, and to provide for the payment of the same. In force Feb'y 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Woodford be and they are hereby authorized and empowered to borrow any sum of money, not exceeding twenty thousand dollars (\$20,000), to be used in paying for and improving a farm to be used by said county in taking care of the paupers of said Woodford county. Amount of.

§ 2. That the said supervisors are hereby authorized to cause a special tax, not exceeding two mills on the dollar, to be levied on all the taxable property of said county annually for the purpose of paying the interest and principal of said sum of money so borrowed. Special tax. Purpose of.

§ 3. This act to be deemed a public law, and to take effect from and after its passage.

APPROVED February 9, 1867.

AN ACT to authorize Morgan county to borrow money and issue her bonds therefor. In force Jan. 29, 1867.

WHEREAS, the people of the county of Morgan, in the state of Illinois, are desirous of having located within said county the agricultural and mechanical college provided for by the act of congress donating for the endowment of the same four hundred and eighty thousand acres of public lands. And whereas, the said people desire to offer to the state inducements for such location; therefore, for the purpose of enabling said people to so offer two hundred thousand dollars (\$200,000) for the purpose aforesaid. Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on any day that the county court of said county, at any regular or special term thereof, called for that purpose shall order, an election may be held in said county by the legal voters thereof at the usual places of holding elections in said county, for the purpose of determining whether the people of said county shall be taxed to raise the aforesaid sum of money for the purpose aforesaid. Election to determine taxation.

§ 2. The officers of general elections in said county shall attend said election and hold and conduct the same according to the laws of this state in case of elections of county officers, and said election shall in all respects be conducted as is provided by law for such election of county officers: Manner of conducting.

Proviso.

Provided, the notices of said election may be issued twelve days only before said election, and posted up ten days only before said election: *And provided*, that the registry of voters made for the last general election shall be taken and used for said election, and that no new registry of voters shall be required for said special election.

Form of ballots.

§ 3. The ballots used in said election shall be in the following form, those in favor, "For the college location tax;" those opposed, "Against the college location tax." And the officers of said election shall make their returns in manner and time, and the clerk of the county court of said county shall canvass said returns and open and count the votes cast at said election as is provided by law in case of elections of county officers.

Authority of
county court.

§ 4. In case a majority of all the legal votes cast at said election shall be in favor of said tax, and in case the state or persons authorized to locate said college shall accept said offer and locate the college in Morgan county, then to raise said sum of money, the county court of said county is hereby authorized and empowered to borrow said sum of two hundred thousand dollars (\$200,000), and to issue bonds of said county therefor, in sums of not less than one thousand dollars each, bearing an annual interest not exceeding ten per cent. per annum, and becoming due in some period fixed by said court, not exceeding twenty years from their date; and said bonds to be negotiated at not less than their par value. Or if said court shall so elect, instead of so borrowing said sum of money, they may issue the bonds of said county to the amount of two hundred thousand dollars (\$200,000), of like character in all respects as those above described, payable to the order of the board of trustees of said college.

Taxes—applica-
tion of.

§ 5. To provide for the annual interest on said bonds and to create a fund for the payment of the same at their maturity, or before, should the holders thereof be willing at any time before maturity to accept payment of the same, the said county court are hereby authorized and empowered and required to levy a tax upon all the taxable property in said county, not exceeding in any one year two dollars upon each one hundred dollars of assessed valuation of said property; and said tax shall be levied and collected as is by law required for the levy and collection of other taxes, except that the fees of collectors and other officers who shall collect or receive said tax, shall be only one-half of the fees or rate per cent. allowed by law for the collection or receipt of other taxes for county purposes; and said tax, when collected, and as collected, shall be applied specially to the purposes for which the same is by this act authorized to be levied and collected, and to no other purpose whatever; and shall, for greater certainty, be designated

upon the books of the collector and treasurer of the county as the agricultural and mechanical college tax.

§ 6. The said sum of money, if so borrowed, shall, within sixty days after the said college is located in said county of Morgan, and the county court thereof is officially notified of such location, be paid over to the treasurer of said college upon the written order of the board of trustees of said college, and said court shall take a receipt therefor; and in the event that said county court elect to issue the bonds of the county for the amount of the sum aforesaid, payable to the order of the board of trustees of said college, as hereinbefore provided, the same shall be delivered by said county court within sixty days after said college is located in said county, and said court is officially notified of the fact of such location, to the said board of trustees of said college, upon their written order, and said court shall take a receipt therefor.

Disposition of
money bor-
rowed.

§ 7. This act is hereby declared to be a public act and shall take effect and be in force from and after its passage.

APPROVED January 29, 1867.

AN ACT to authorize the board of supervisors of McDonough county to make an appropriation in aid of the Soldiers' Monument Association. In force February 13, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of McDonough county are hereby authorized, at any regular or special term or session thereof, to appropriate out of the county funds a sum not exceeding two thousand dollars, to aid the Soldiers' Monument Association in the construction of a monument to the memory of the soldiers of said county who fell in war against the rebellion.

Amount of.

§ 2. This act to be in force from and after its passage.

APPROVED February 18, 1867.

AN ACT to amend an act, entitled "An act to authorize the Board of supervisors of Kendall county to borrow money." In force February 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to authorize the board of supervisors of Kendall county to borrow money," approved February 14th, 1865, be so amended that the board of

Act approved
February 14,
1865, amended.

supervisors, of said county of Kendall may cause a tax, not exceeding two cents per annum on the dollar, to be levied on the taxable property of said county, and collected for the purpose of meeting the interest and principal coming due on the bonds authorized by said act, each and every year until the same are fully paid.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb'y 18, 1867. AN ACT authorizing the county of McLean to issue bonds for the purpose of building a court house.

Special tax. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of erecting a suitable court house and county buildings, in and for the county of McLean, the board of supervisors of said county are hereby authorized to levy a special tax of five mills on the dollar, or so much thereof as shall be necessary for said purpose, for the term of five years, upon all the taxable property in said county, to be levied and collected as other county taxes are levied and collected.

Bonds—amount of—how and when payable. § 2. Said board of supervisors are hereby further authorized, if they deem expedient, to issue bonds for said purposes, for a sum not to exceed two hundred and fifty thousand dollars, in sums of not less than one thousand dollars, payable out of the revenue arising from said special tax, in one, two, three, four and five years, with interest at the rate not to exceed ten per cent. per annum.

Execution of. § 3. Said bonds shall be executed in the name of said county, signed by the clerk of said county court, with the seal of said court affixed and countersigned by the treasurer of said county.

Act in force for ten years. § 4. This act shall take effect from after its passage, and shall be in force and effect hereafter for the space and term of ten years.

APPROVED February 18, 1867.

In force Feb'y 18, 1867. AN ACT to authorize the county court of Macoupin county to borrow money, issue bonds, and levy taxes, to raise money to erect a new court house, in the city of Carlinville, in said county.

Purpose. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of erecting a new court house in the city of Carlinville, in the county of Macoupin, on block number six, in

Edwards, Smith and McAfee's addition to the town of Carlinville, on the east, being the property purchased for county purposes, and to raise money to liquidate all indebtedness that may accrue in building such court house, the county court of said county of Macoupin be and is hereby authorized to borrow money, in one or more loans, the total of which shall not exceed the sum of fifty (50) thousand dollars, and issue bonds of said county for such purpose. Which said bonds shall be drawn for such sums and made payable at such times and places as said court may designate, and shall bear interest at a rate not exceeding ten per centum per annum, to be paid annually or semi-annually, at the option of said county court. Said bonds shall be signed by the county judge and countersigned by the county clerk, under the seal of said court.

Amount of.

Issue bonds.

Rate of interest

§ 2. That the county court of said county be and is hereby authorized to levy a special tax upon all the property, personal and real, in said county, not exceeding five mills on one dollar per annum, for the purpose of liquidating such bonds, and paying the interest thereon; which said tax shall be collected at the same time, in the same manner, and by the same officers who may collect the revenue for state and county purposes; and the laws now in force for the collection of state and county taxes, shall be in force and applicable to the collection of the taxes provided by this act.

Special tax.

§ 3. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 18, 1867.

AN ACT to legalize the action of the board of supervisors of the county of Effingham, and to provide for the payment of bonds and interest on the same, issued by order of the said board of supervisors.

In force March 4, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the action of the board of supervisors of the county of Effingham, on the 10th day of February, at the special February term, A. D. 1865, authorizing the issuing of county bonds to volunteers, to fill the quota of soldiers of the county of Effingham, under the call of the president of the United States, be and the same is hereby legalized; and that the bonds issued under the order of the said board of supervisors, at said special term, shall be valid in law, and binding upon said Effingham county.

Action of board on 10th Feb'y. 1865, legalized.

§ 2. That all levies made by said board of supervisors for the payment of said bonds, or any interest due thereon,

Levies valid.

be and the same is hereby legalized and shall be valid and binding in law.

Liens. § 3. That all levies that have heretofore been made, or that shall hereafter be made by the board of supervisors of said county, shall be a lien on all the real and personal property of said county, and the same shall be collected as other taxes, and be subject to the same rules and regulations.

Judgments. § 4. That all real estate on which said taxes may have been levied, judgment obtained for non-payment of taxes due thereon and sold and certificate issued thereon, be and the same is hereby legalized and shall have the same force and effect as other tax sales.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED March 4, 1867.

In force March 5, 1867. AN ACT to authorize the county court of Alexander county and the city of Cairo, to make subscriptions and issue bonds therefor in certain cases therein named.

Authority to purchase shares of railroad stock. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The city of Cairo and the county of Alexander, in this state, are hereby severally authorized to subscribe for or purchase shares of the capital stock of any railroad company created under the laws of the state of Missouri, or of the state of Kentucky, whose railroad or railroads shall terminate or commence at any point or points in said state or states opposite to said city of Cairo, in any sum which the city council of said city of Cairo or the county court of Alexander county shall severally determine; and the stock so subscribed for or purchased shall be severally under the control of the said city council or county court making such subscription or purchase in all respects as stock owned by individuals.

Bonds issued for payment of. § 2. That for the payment of such stock the judges of the county court are authorized to issue the bonds of the said county, and the city council of said city are authorized to issue the bonds of said city, in such amounts, payable at such times and places, and bearing such interest, not exceeding ten per cent. per annum, as said council or the judges of said county court shall determine.

Subscriptions to be determined by vote. § 3. No such subscription or purchase shall be made by said city or county unless a majority of the qualified voters of said city or county, as the case may be, shall vote for the same; and the judges of the county court or the city council of said city desiring to take stock, as aforesaid, shall give at least thirty days' notice in the same manner as notices

are given for the election of state or county officers in said county, requiring the electors of said county or city to vote upon the day named at their usual place of voting, for or against the subscription for said capital stock which they propose to make, and said notices shall specify the company in which stock is proposed to be subscribed, the amount which it is proposed to take, and the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear; and the opinion of the electors shall be expressed upon their ballots "for subscription" or "against subscription," and counted and returned by the judges and clerks of said election as in other cases. And if a majority of the voters of said city or county voting for or against said subscription shall be in favor of the same, such authorized subscription or purchase, or any part thereof, shall then be made by said judges or said city council.

Notice of election.

Manner of voting.

Form of ballots.

§ 4. This act shall be in force from and after its passage.
APPROVED March 5, 1867.

AN ACT to enable the county of Warren to levy taxes and borrow money for the purpose of building a court house and jail in said county. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly* That the board of supervisors of the county of Warren be and they are hereby authorized and empowered at any regular or stated meeting of said board of supervisors to order a tax to be levied and collected upon all the real and personal property liable to taxation in said county, of not exceeding two per cent. on each and every one hundred dollars of the assessed value of such property, for the purpose of building a court house, or a court house and jail, as they may deem best, in said county; said tax to be levied at such times and in such sums as said board may deem advisable: *Provided*, that no more than one tax shall be levied in any one year for such purposes.

Rate of.

Purpose of.

How levied.

Proviso.

§ 2. Any and all taxes levied and collected under the provisions of this act, shall be levied, extended and collected at the same time and in the same manner and by the same officers as county taxes now are or may be hereafter levied, extended and collected in said county, and when collected shall be subject to the disposition of said board of supervisors in the manner and for the purposes contemplated in this act.

Manner of levying, extending and collecting taxes.

§ 3. Said board of supervisors shall have the power, if in their judgment the interests of said county will be best subserved thereby, to borrow any sum of money, not ex-

May borrow money.

Proviso.

ceeding one hundred thousand dollars, at any rate of interest not exceeding ten per cent. per annum, and for any time not exceeding twenty years, and for the better securing the payment of said moneys and the interest thereon, the said board of supervisors shall have the power to issue the bonds of said county, with interest coupons attached, payable annually: *Provided*, that said board shall have the power, if they see fit, to proceed with the erection of said court house and jail, or either of them, wholly with the moneys arising from said tax, or wholly with the moneys so, as aforesaid, to be borrowed, or in part with said tax money and in part with the money so to be borrowed.

§ 4. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 7, 1867.

In force March 7, 1867. AN ACT to authorize the county of Cook to issue bonds and to provide for the payment of the principal and interest thereon.

Preamble.

WHEREAS, the block of ground in the city of Chicago, upon which the court house stands, is owned by the county of Cook, and the court house building is owned in part, by the county of Cook, and in part by the city of Chicago; and whereas, the board of supervisors of said county of Cook are about purchasing the interest of said city, in said court House building, and have no power to raise money for that purpose, either by taxation or the issue of bonds; therefore,

Supervisors may issue bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the board of supervisors of the county of Cook, may in their discretion for the purpose of purchasing the interest of said city in said court house, issue bonds of said county from time to time as the same may be required, not exceeding the sum of one hundred thousand dollars in the aggregate, to bear interest not exceeding the rate of ten per cent. per annum, the principal and interest payable at such time or times, and at such place or places as the said board shall fix, and may authorize the said bonds to be sold and the proceeds thereof, shall be paid into the county treasury to be used for the purchase of the interest of the said city of Chicago in said court house; or the said board of supervisors may in their discretion, levy a tax not exceeding the sum of twenty cents on each one hundred dollars of the assessed value of the taxable property of the county aforesaid to be collected as other taxes, for the purpose of making such purchase.

Tax.

§ 2. The said bonds shall be signed by the chairman of said board and by the clerk of the county court, of said county, and shall be sealed with the seal of said court, and registered by the treasurer of said county. By whom signed.

§ 3. In case said board of supervisors shall issue bonds as aforesaid, they are hereby directed to levy a tax from time to time, as the same shall be required, to pay the principal and interest upon said bonds as the same shall become due, which said tax shall be collected as other county taxes, and the same when collected shall be applied to the payment aforesaid. Tax to pay principal and interest on.

§ 4. This act shall be deemed a public act, and shall take effect, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to legalize the interest bearing bonds, issued by McLean county to enable the raising of bounties, and to levy a tax to pay the same. In force Feb'y 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all interest bearing bonds heretofore issued by any order of the board of supervisors, of McLean county in the state of Illinois, for the payment of bounties, or for the relief of families of soldiers, be and the same are hereby legalized and confirmed and shall be collected and enforced against said county, according to the terms and conditions of said bonds. Bonds.
Bounties.

§ 2. That the board of supervisors, of the county of McLean, be and they are hereby authorized and empowered to levy a tax upon all the real and personal property in said county, now by law liable to taxation, not to exceed one dollar on each one hundred dollars' valuation each year, to enable said county to raise money enough to pay the bonds now issued, or that may hereafter be issued for the purposes mentioned in section one. Indebtedness.

§ 3. This act shall take effect and be in force, from and after its passage.

APPROVED February 21, 1867.

AN ACT to authorize the county of Madison to borrow money. In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court, of Madison county, is hereby authorized to bor- Amount.

row such sum of money, not exceeding fifty thousand dollars, as may be necessary to construct and complete a jail in said county.

Bonds. § 2. For the purpose of raising said sum of money, the said court may issue the bonds of said county in sums not less than two hundred and fifty dollars, bearing interest at a rate not exceeding ten per centum per annum, and payable at any time within ten years from their date, and at such place as may be determined upon by said county court, and may sell and dispose of the same, but at not less than their par value.

Interest on bonds. § 3. Said bonds shall be signed and registered by the clerk of the county court, and countersigned by the treasurer, and the interest thereon may be made payable at such time and at such place as may be expressed in said bonds, or the coupons attached thereto.

Tax. § 4. Said county court, for the purpose of paying said bonds and the interest thereon, is hereby authorized to levy a special tax upon all the taxable property in said county, not however, exceeding fifty cents on the hundred dollars' worth of such taxable property, in any one year to be levied, assessed and collected, as other county taxes and the same lien created to secure county tax and the provisions made for the collection thereof, shall also exist and apply to this tax, and when the same is collected, to be paid into the treasury of said county and be applied to the purposes specified in the order directing the assessment of the same.

§ 5. This act to be in force from and after its passage.
APPROVED February 22, 1867.

In force Feb'y 25, 1867. AN ACT to authorize the county of Pike, and the several towns therein, to subscribe stock in railroad companies.

Authority to subscribe stock. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county of Pike or any town in said county, is hereby authorized and empowered to purchase or subscribe for shares of the capital stock in any railroad company already organized or hereafter to be organized, which passes in whole or in part through said county, to such an amount as said county or town may deem proper, and the stock so purchased or subscribed for, shall be under the control of the board of supervisors or the authorities of the town making such subscription or purchase in all respects as stock owned by individuals.

How made. § 2. Subscriptions to the capital stock of any such company may be made by an agent appointed for that purpose,

by the board of supervisors in behalf of the county or by the town auditors, of any such town, when such subscription is made by a town, upon such terms and conditions as the board of supervisors or town auditors may prescribe and for the payment of such stock, so subscribed or purchased, the board of supervisors of said county, or the town auditors of such town, making such subscription or purchase, are hereby authorized to borrow money at a rate of interest not exceeding ten per cent. per annum, or they may pay for the same in bonds, orders, or warrants of said county, or town, to be drawn for that purpose, in sums not less than one hundred dollars, to run not exceeding twenty years, bearing interest not exceeding ten per cent. per annum, payable annually, and the faith of the county or town, shall be pledged for the annual payment of the interest, and the ultimate redemption of the principal.

§ 3. The railroads already incorporated or hereafter incorporated by any law of this state, passing in whole or in part through said county, are hereby authorized to receive the bonds, orders or warrants of said county, or any town therein, in payment of the capital stock of such company, at par, in lieu of cash, and to dispose of the same as they may think best, for the purpose of constructing their road or equipping the same. Bonds, etc.

§ 4. All such bonds, warrants or orders, shall be issued by the county clerk, under the seal of his office, upon the order of the board of supervisors, or by the town clerk upon the order of the board of auditors, and upon issuing any such bond, warrant or order, the county clerk or town clerk, as the case may be, shall make registration thereof in a book to be kept for that purpose in his office, showing the date, amount, number, maturity and rate of interest of such bond, warrant or order, and on presentation of any such bond, warrant or order, issued by any town under this act at the office of the county clerk, for registration, he shall cause the same to be registered in his office in a book, to be kept for that purpose, such registration shall show the date, amount, number, maturity and rate of interest, and by what town the same was issued, and such clerk shall certify under the seal of his office, on the bond, warrant or order, whether issued by the county or town, the fact of such registration, for which he shall receive such fees, as shall be allowed by the board of supervisors. Issue of bonds.

§ 5. Upon the return of the assessors' books in each year to the clerk of the county court, said clerk shall, before making out, the collector's books, ascertain the amount of principal and interest, for the current year due and accrued, or became due against said county, or any town thereof, upon such county or town registered indebtedness, for said year and shall upon the basis of the said assessment for said year, estimate and determine the rate per centum Principal and interest.

on the valuation of property, within said county or town requisite to meet and satisfy the principal and interest so due or to become due for such year, together with ordinary costs for the collection and disbursement of the same, and the said per centum so ascertained, by the clerk, shall be entered and extended by said clerk, on the collector's book, and collected the same as county revenue.

Disposition of funds.

§ 6. Said funds, when collected, shall be paid over to the county treasurer, the same as county revenue, and by him kept as a separate and distinct fund, for the payment of said indebtedness, and upon the presentation to said treasurer of any such registered indebtedness, he shall pay the amount of principal and interest due for the current year, out of the funds aforesaid, and cause the same to be credited on the bond, warrant or order, upon which such payment is made.

Registration of bonds.

§ 7. It shall be the duty of the town clerk when issuing any bonds, warrants or orders, under this act, to present them to the county clerk, and cause the same to be registered, before the same are issued.

Penalties for refusal of duty.

§ 8. Any officer, who shall willfully refuse or neglect to perform any duty required of him under this act, shall be liable to indictment, and upon conviction, shall be removed from office, and fined in any sum, not exceeding one thousand dollars.

Taxes levied, etc.

§ 9. In case said county or any town therein shall purchase or subscribe for stock in any such railroad, they are hereby authorized, in case they see proper to do so, to cause a special tax to be levied upon the property of said county or town, so subscribing upon the assessment of 1866: *Provided*, the same be levied before the first day of June, 1867, and in case of such special levy, the amount thereof shall be determined by the board of supervisors or town auditors, as the case may be, and certified to the county clerk, who shall make out a collector's book with a warrant attached thereto for said special tax, based upon the assessment of 1866, and deliver the same to the proper collectors, who shall collect the same as other taxes, and make return to the treasurer within forty days after receiving such books; and the several collectors and county treasurer shall proceed to collect the same in all respects as other tax, and the county court shall have power to render a judgment against delinquent lands at any term, at which application may be made by the collector for that purpose; and said special tax, when so collected, shall be applied to the payment of such subscription, according to the terms of such subscription.

Valuation, etc.

§ 10. Neither said county or any town therein, shall levy more than one dollar and fifty cents, on each hundred dollars' valuation, as assessed for any one year.

Subscription.

§ 11. No subscription to stock shall be made by the county or by any town under the provisions of this bill,

unless the same is submitted to a vote of the people of the county or town, as the case may be, and unless the same shall receive a majority of votes, cast upon such question. Such question to be submitted in such manner, as the board of supervisors may determine as to the county, or by the town auditor in case of towns.

§ 12. This act shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to authorize the county of Kankakee to borrow money.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Kankakee, state of Illinois, be and they are hereby authorized and empowered to borrow money in one or more loans, the total of which shall not exceed the sum of fifty-three thousand dollars, and to issue bonds therefor, which said bonds shall be made payable at such times and places as they may designate, and shall bear interest not exceeding ten per cent. per annum, for the purpose of liquidating the present war indebtedness of said county, and to build fire proof vault or vaults for the safe keeping of county records and for repairing court house.

Authority to
borrow money.

Purpose.

§ 2. That the board of supervisors of said county be and they are hereby authorized to levy a special tax upon all the property, personal and real, in said county, not exceeding five mills on one dollar per annum, for the purpose of liquidating any indebtedness and the interest thereon that has or may accrue for the purposes aforesaid, which said tax shall be collected at the same time, in the same manner and by the same officers who may collect the revenue for state and county purposes; and the laws now in force for the collection of state and county taxes, shall be in force and applicable to the collection of the taxes provided by this act.

Tax.

§ 3. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y 25, 1867. AN ACT to enable the county of Lawrence to levy a tax and provide means for the payment of the indebtedness of said county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Lawrence county, Illinois, may at any time, either at a special or annual meeting of said board, levy such tax on the taxable property in said county as they may think necessary to discharge the indebtedness of said county, not exceeding two per cent. in any one year, to be levied and collected as other county tax, as is now provided by law.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y 23, 1867. AN ACT to amend an act entitled, "An act to authorize the county court of Macoupin county to issue bonds and levy taxes to raise money and pay bounties to volunteers," approved February 6th, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to authorize the county court of Macoupin county to issue bonds and levy taxes, to raise money and pay bounties to volunteers," approved February 6th, 1865, be so construed as to apply to and embrace the payment of bounties to persons who volunteered and enlisted into the military service of the United States, before as well as after the passage of said act, and who were credited upon the quota of said county under any of the calls for volunteers referred to in said act: *Provided, however,* that nothing herein contained shall render the payment of any claim coming within the provisions of this act compulsory upon said county court, but shall leave it discretionary with the said court to allow the whole or any part of any such claim presented or to reject the same altogether.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

AN ACT to enable the board of supervisors of Lee county to use their swamp land funds in payment of the indebtedness of said county. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Lee county are hereby authorized and empowered to use the funds of said county known as the swamp land fund, or any part thereof, in payment of the indebtedness of said county.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to enable the board of supervisors of Edgar county to levy a tax to build a soldier's monument. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Edgar, may at any regular meeting levy a tax not exceeding two mills on the dollar upon the taxable property of said county, over and above the amount now allowed by law for county purposes; which shall constitute a fund separate from the county revenue, and shall be appropriated to the purpose of erecting a monument sacred to the memory of the soldiers from said county of Edgar, who lost their lives in the late war for the suppression of the rebellion: *Provided*, that the fund so raised shall not exceed the sum of fifteen thousand dollars (\$15,000). Rates of.

§ 2. Said tax shall be levied and collected in the same manner as other taxes are. How levied and collected.

§ 3. The fund so raised shall be under the control of the board of supervisors of said county of Edgar, or a board of trustees appointed by said board of supervisors, who shall procure a suitable site for the erection of said monument, contract for the erection of the same, and pay out money on such contract. Control of funds

§ 4. This act shall take effect from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 28, 1867. AN ACT to legalize the acts of the board of supervisors of the county of Ford borrowing money and issuing bonds therefor.

Preamble.

WHEREAS the board of supervisors of the county of Ford did at the July special session of said board, in the year 1866, borrow the sum of (\$10,000) ten thousand dollars, and did issue bonds therefor, drawing interest at ten per centum per annum; and, whereas, the borrowing of said money and the issuing of said bonds not being in strict conformity of law, may endanger the interests of innocent holders of the same, therefore,

Acts legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all acts and doings of said board of supervisors of said county of Ford in borrowing said money and issuing bonds therefor be and the same are hereby declared to be legal, and said bonds as valid and binding in all respects as they would have been had such bonds been issued under and by virtue of a special enactment of the legislature of this state passed for that purpose.

§ 2. This act to be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 28, 1867. AN ACT to amend an act entitled "An act to authorize the county court of Perry county to issue bonds, approved February 16, 1865."

Borrow money.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Perry county, Illinois, be and they are hereby authorized and empowered to borrow money in one or more loans not exceeding in the aggregate, the sum of fifty thousand dollars, to be expended under and by the direction of said county court, in building a common jail at Pinckneyville, the county seat of said county: *Provided,* that said county court may expend not to exceed ten thousand dollars of the above amount in grading and working the roads leading from Pinckneyville to Tamaroa and from Pinckneyville to Du Quoin, in said county, if in their judgment the public interests demand it.

Proviso.

Part of conflicting section repealed.

§ 2. That so much of section 1st of said act to which this is an amendment, as is inconsistent with this act, be and the same is hereby repealed.

Section 2d of act approved February 16, 1865, amended.

§ 3. That section 2nd of said act, approved February 16, 1865, be so amended as to authorize the county court of said county to levy and collect a special tax on all real and personal estate, situated in said county, not to exceed four mills on the dollar.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to authorize the county of Morgan to issue bonds and to levy taxes, for the purpose of building a court house in said county. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of the county of Morgan, be and they are hereby authorized and empowered to issue bonds of said county, not to exceed in value the sum of one hundred thousand dollars, which said bonds shall be payable in not less than five nor more than twenty years, and bear interest at a rate not exceeding ten per cent. per annum, and to levy a tax on all the taxable property in said county, to raise funds to liquidate said bonds and the interest thereon for the purpose of building a court house in said county. That said county court may at their discretion, in lieu of issuing bonds as aforesaid, levy a tax on all the taxable property in said county, not to exceed twenty cents on each one hundred dollars per annum, until the sum of one hundred thousand dollars be raised for the purpose aforesaid.

Value of—when
payable — rate
of interest.

§ 2. All taxes that may be levied as aforesaid, shall be collected at the same time, in the same manner and by the same officer who may collect the revenue for state and county purposes, and the laws now in force for the collection of state and county revenue, shall be in force and applicable to the collection of the taxes provided by this act: *Provided*, that the collector and treasurer shall be allowed only one-half the fees for collecting and disbursing the funds raised under this act as is allowed them by law for collecting and disbursing county revenue.

Taxes—time
and manner
of collection.

§ 3. This act shall be a public act and be in full force and effect from and after its passage.

APPROVED February 28, 1867.

AN ACT to authorize the county court of Randolph county to issue bonds. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Randolph county are hereby authorized to issue bonds bearing no more than ten per cent. per

Amount of.
How appropri-
ated.
Interest and
final payment
provided for.

annum interest, and payable within ten years of the date of their issue, to the amount of seven thousand and five hundred (\$7,500) dollars, the proceeds of which is to be appropriated to the completion of the jail now in the course of construction in the city of Chester in said county, and for no other purpose; and the interest and final payment of these bonds is provided for by an act approved February, 1865, authorizing the county court of Randolph county to issue \$30,000, in bonds.

§ 2. This bill is declared a public act, in force from and after its passage.

APPROVED March 5, 1867.

In force Feb'y
14, 1867.

AN ACT to remove the county seat of Cass county.

Point of.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of "Virginia" in the county of Cass, is hereby designated and declared to be the point to which the county seat of said county, may be removed from the city of Beardstown, in said county, in the manner hereinafter provided.

Removal deter-
mined by vote.

§ 2. On the second Tuesday in April, A. D. 1867, an election shall be held in said county of Cass, at the usual place of holding elections, for the purpose of determining whether the county seat shall be removed from the city of "Beardstown," to the town of "Virginia" as hereinafter designated.

Manner of con-
ducting elec-
tion.

§ 3. The officers of general election, shall attend, on the day of election, and conduct said election according to the laws of this state, in cases of election of county officers, and said election shall in all respects be conducted as provided by law for such election.

Form of ballots

§ 4. The ballots shall be in the following form, "for removal" "against removal," and the officers of said election shall make returns in the manner and time prescribed by law in case of election of county officers.

Returns.

§ 5. When the returns shall have been made to the county clerk of said county of Cass, he shall proceed to canvass said returns, and open and count the votes cast at said election according to law in case of the election of county officers, and if it shall appear that a majority of the legal voters of the county have voted for removal to the said town of "Virginia," then the said town of "Virginia" shall be and remain the county seat of said county, and the county clerk shall make out a certificate of the result of said election and spread the same on the records of the county court.

§ 6. In case the county seat shall be established at "Virginia" as is hereinbefore designated in pursuance of this act, the county court of said county and their successors in office, are hereby constituted and appointed commissioners, to select a site for the erection of public buildings, and it is hereby made their duty as soon as practicable, to procure or erect suitable public buildings for the public offices of said county, and for the holding of the county and circuit courts of said county; and when suitable buildings are erected or procured, the officers, books, papers and furniture of said county shall be removed thereto, by the several county officers, and the circuit and county courts for said county shall be held, and county business shall be transacted at said town of "Virginia." But the said commissioners shall not select a site for the location of public buildings, nor shall the seat of justice be removed from the city of Beardstown to the town of "Virginia" until the sum of ten thousand dollars shall have been subscribed and paid to a commissioner to be appointed as hereinafter provided.

Duties of commissioners.

§ 7. The county court of said Cass county shall at the March term A. D. 1867, appoint a commissioner, whose duty it shall be to receive and collect all moneys upon private subscriptions made for the purpose of defraying the expenses of the removal of said county seat, and the erection of public buildings at the said town of "Virginia" and to receive from the collector of said county, all taxes which may be collected in said county for the purpose of erecting said buildings, and it shall be the duty of said commissioner to receipt the said collector for the same. For the purpose of carrying into effect the provisions of this section the said commissioner shall have power to institute suits, and to prosecute the same in the name of the county court.

Commissioners and duties.

§ 8. The said commissioner shall within thirty days after his appointment, file a bond for the faithful discharge of his duties as such commissioner. The amount of which bond shall be determined by the said county court, and shall be approved by the judge and clerk of said county.

Bond of.

§ 9. The county court of said county are hereby authorized, in the event that it shall become necessary to levy a tax, to be levied and collected in the same manner as the state and county taxes are now by law levied and collected, for the purpose of erecting the county buildings hereinbefore specified.

Tax.

§ 10. Whenever the county court of said Cass county shall have selected a site for the erection of said buildings and a sum of money shall be in the possession of said commissioner, whether the same be raised by taxation or by private subscription sufficient to build said buildings, it shall be the duty of said commissioner under the direction of said court, to at once proceed to the building and finishing the same with all possible dispatch, and to that end said

Site for buildings.

commissioner shall have power to procure material and to employ workmen. Or he may in his own and in the discretion of the county court, contract the building and other improvements.

Notice of elec- § 11. Notice shall be given by the county clerk of said
tion. county, in one or more newspapers published in said county of the time, place and object of said election. Said notice to be published for three weeks. The first of which publications shall be at least twenty days before the day fixed for the election, and there shall be posted in three of the most public places in each election precinct of said county, notice of the time, place, and object of said election.

Compensation Compensation of commis- § 12. The commissioner authorized to be appointed by
of commis- sioner. the county court in pursuance of this act, shall receive three per cent. on all moneys which may come into his possession under the provisions of this act, and five dollars per day for each day employed in the duties specified in this act.

Contested elec- § 13. Any citizen of said county, who may legally vote
tion. at said election may contest the legality and validity of said election by his giving notice in writing of his intention so to do, to any other citizen of said county, who may legally vote at said election, in opposition to the vote cast at said election, by the person contesting and said contest shall be conducted in compliance with existing laws of this state with reference to the contest of elections for county officers in all respects, so far as the same may be applicable.

§ 14. All laws and parts of laws in conflict of this act are hereby repealed.

§ 15. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1867.

In force Feb'y
13, 1867.

AN ACT to relocate the county seat of DuPage county.

Removal of
county seat.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That at the election to be held, the first Monday in June, in the year of our Lord one thousand eight hundred and sixty-seven, in the county of DuPage, a poll shall be opened at each of the election precincts in said county, "For" and "Against" the removal of the county seat of said county, from its present location at Naperville, to the point of the incorporated town of Wheaton, in said county, at which election, the qualified voters of said county may vote upon the question of removal. Those desiring the removal, shall have written or printed on their ballots, "For Removal" and those desiring the county seat to remain at its present loca-*

tion, shall have written or printed on their ballots, "Against removal."

§ 2. The notices for said election shall be, in manner and form as now provided by law for general elections, and the officers of general elections shall attend on the day of election, and conduct said election according to the laws of this state, as in the case of the election of state and county officers, and said election shall in all respects be conducted as provided by law for such elections.

Notice of election—how conducted.

§ 3. The registry of voters made for and used at the election held on Tuesday, after the first Monday in November, A. D. 1866, shall be used at the election on the first Monday in June, A. D. 1867, for the vote for removal and against removal, and for the vote for circuit judge, in said DuPage county, and no new or additional registry, shall be required or used at the said election; but voters not registered, shall not be debarred from voting at the said election, provided they comply with the provisions of the general election and registry laws of this state, made and provided for non-registered voters.

Registry of votes.

§ 4. The judges and clerks of said election shall make returns of said election in the manner and time now provided by law in regard to the election of county officers.

Returns of.

§ 5. When the returns shall have been made to the county clerk of said DuPage county he shall proceed to canvass said returns and open and count the votes cast at said election, according to law, as in case of the election of county officers, and if it shall appear that a majority of the legal voters of the said county have voted "for removal" to the said town of Wheaton, as hereinbefore designated, then the said town of Wheaton shall be and remain the county seat of said county, and the county clerk shall make out a certificate of the result of said election and spread the same upon the records of the board of supervisors of said county.

Certificate of.

§ 6. In case the county seat shall be established at Wheaton, in pursuance of this act, then the board of supervisors of said county, and their successors in office, are hereby constituted and appointed commissioners to select a site for the erection of county buildings suited to the wants of said county and such situation as may be offered or secured at the said point, of the town of Wheaton, deemed most eligible, convenient and suitable by said commissioners, shall be and remain the site for the public buildings of said DuPage county; and said selection and location by said board of supervisors or commissioners, or a majority of them, shall be made within thirty days after they shall have legal notice of the result of the election "for removal" and "against removal," as aforesaid.

Sites for county buildings.

§ 7. In case the result of the said election shall be for the removal of the county seat to the town of Wheaton, as provided in this act, the records and public offices of said

Removal of records and offices.

county shall not be removed thereto until the site for county buildings, as hereinbefore provided, is selected, and suitable fire-proof offices, jail and jailor's residence erected thereon, shall have been provided without cost and actually conveyed in fee simple and without reservation to the said DuPage county; and also a suitable hall, in the town of Wheaton, for the holding of the circuit court of the said county for the term of ten years, be satisfactorily guaranteed without rent or cost to the said county, and the said board of supervisors or commissioners are hereby authorized, and it shall be their duty, to examine the plans and specifications for the said buildings to be erected as aforesaid, and the said buildings shall be erected according to the approved plans of the said commissioners, and they may or may not have charge of the erection of the said buildings as they shall deem proper.

Duties of board
of supervisors.

§ 8. The board of supervisors of said county are hereby authorized to receive donations or subscriptions in money, lands or town lots, and convert or dispose of the same and apply the proceeds thereof for the purpose of erecting buildings as hereinbefore provided; and all the subscriptions and donations for the said purpose shall be legal and binding upon the said subscribers and donors for the said purpose, and any bond or bonds, guarantee or guarantees given by any person, persons or corporation, that the said subscriptions or donations shall be paid in good faith to the said county or to the board of supervisors thereof, shall be legal and collectable from the said person, persons or corporation so giving them, in the same manner as other contracts are now enforced by law.

Taxes.

§ 9. If the county seat of said county shall be removed and buildings erected and provided, as required by this act, then no tax for raising money for the erection of other county buildings shall be assessed, levied and collected in said county of DuPage, for at least six years from the time that the said removal of the offices and records of the county shall occur, without first submitting the question of taxation for said other county buildings, to the legal voters of said county at a general election, and a majority of the legal voters of said county shall have voted therefor: *Provided*, such submission shall be authorized or sanctioned by the general assembly of this state.

Proviso.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1867.

AN ACT entitled an "Act to legalize the incorporation of the town of In force Feb'y
Chillicothe, Vermilion county, Illinois, and for other purposes." 19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the Acts legalized.
acts and proceedings done for the purpose of incorporating the town of Chillicothe, in the county of Vermilion, Illinois, be and the same are hereby declared legal and valid; and all the ordinances passed by the president and trustees of said town, not inconsistent with the constitution of this state or of the United States, be and the same are hereby declared to be legal and binding, and shall so remain until amended or repealed by the president and trustees of said town.

§ 2. That the president and trustees of said town may Boundaries.
prescribe and fix the boundaries of said town, so as to include any tract which may be laid out into lots and designated as an addition to said town.

§ 3. The president and trustees of said town may, by Penalties, etc.
ordinance, impose fines and penalties in any sum not exceeding twenty-five dollars for violation of any town ordinances, and all fines and forfeitures that may be recovered for any breach of the ordinances of said town, and all money that may be received for licenses granted under the ordinances of said town, shall be used for town purposes.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1867.

AN ACT to provide for the removal of the county seat of Woodford In force Feb'y
county, in this state. 27, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the Removal—vote.
election to be holden on the first Monday of June, one thousand eight hundred and sixty-seven, in the county of Woodford in this state, a poll shall be opened at each election precinct in said county for and against the removal of the county seat of said county from its present location at Metamora to the town of El Paso, in said county; at which election the qualified voters of said county may vote upon said question of removal. Those desiring the removal shall have written or printed upon their ballots the words "for removal," and those opposed to said removal shall have written or printed upon their ballots the words "against removal."

- Opening of polls § 2. When the county clerk of said county shall give notice of the election to be holden in the month of June, on the first Monday in June, A. D. 1867, as aforesaid, it shall be his duty to state in said notices that a poll will then be opened at each precinct or voting place in said county of Woodford for and against the removal of said county seat from Metamora to El Paso.
- Judges of election. § 3. The judges of election and clerks thereof, by whom the election shall be holden on the day and at the places specified in the foregoing section, shall make returns of the same in the same manner and at the same time as other returns are to be made by them.
- Returns. § 4. When the returns of said election are or shall be made to the county clerk of said county, the same shall be opened or counted or canvassed in the same manner as other returns are or shall be opened or canvassed, and be spread by said county clerk upon the records of said county court.
- Notice of. And if it shall appear that a majority of the legal voters of said county voting at said election have voted in favor of the said removal, then the town of El Paso shall be and remain the county seat of said county of Woodford; and it shall be the duty of said county clerk of said county to give notice of said result by publishing the same in all the papers published in said county for four weeks consecutively; and at the expiration of six months from the date of the last insertion of said notice the said removal shall take place and be effected, and from and after the period of ten days following the expiration of the said period of six months after the last insertion of the notice aforesaid, it shall be the duty of all the county officers required by the laws of this state to hold their offices at the county seat to remove their offices from the said town of Metamora to the town of El Paso; and it shall be the duty of the board of supervisors of said county to erect or at once secure suitable buildings for the public offices of said county at El Paso, and also for holding the circuit court of said county; and when the same are so erected or procured the records, books, papers, safes and furniture of said county shall be kept therein, and all business shall be transacted thereat; and it shall be the duty of said board of supervisors to secure or erect such buildings as aforesaid within six months after the said election and declaration and publishing of the result: *Provided*, that within thirty days after the declaring and publishing of said result the sum of thirty thousand dollars shall be paid or secured to be paid to the said board of supervisors, to be by them expended in the erection of a court house and jail at the said town of El Paso, and for the purpose of receiving said money or security for the same, to be paid in such sums and at such times as the said board of supervisors may determine. The said board of supervisors shall meet at their usual place of meeting thirty days after the
- Public offices.
- Proviso.
- Meetings—do-nations.

said declaring and publishing of the said result, and may then receive donations of either land or money or other property for the purpose of erecting, finishing, completing and furnishing said court house and jail; and if the donations so received shall amount in value to the sum of thirty thousand dollars the foregoing proviso shall be deemed to have been in all respects complied with.

§ 5. William Harper, Allen Hart and H. D. Cook are hereby appointed commissioners to locate said court house and jail in the said town of El Paso, and to determine the site to be occupied by each of said buildings, which said location for each building shall be made and designated by a majority of said commissioners, and the said board of supervisors shall be notified thereof within thirty days after the said board of supervisors shall have received the said sum of thirty thousand dollars as aforesaid. Location of buildings.

§ 6. The said board of supervisors of said county are hereby authorized to levy taxes, to be collected as other taxes, for the purpose of erecting, finishing, completing and furnishing a suitable court house and jail at said town of El Paso, for such amount as may be by them deemed necessary, in addition to the said thirty thousand dollars to be paid as aforesaid. Taxes.

§ 7. All acts or parts of acts heretofore in force, and inconsistent with the provisions of this act, are hereby repealed. Conflicting acts repealed.

§ 8. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 27, 1867.

AN ACT to amend an act entitled, "An act to enable the people of De Kalb county to relocate the county seat and erect public buildings, approved February 12, 1867." In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the above entitled act be so amended as to fix the time of holding the circuit court in said county as follows, to-wit: at Sycamore on the fourth Monday in February, and the third Monday in September, and at Sandwich on the first Mondays of December and July in each and every year.*

§ 2. That the time for holding the county court in said county shall be as follows, to wit: At Sycamore on the first Mondays of June and January, at Sandwich on the first Mondays of April and October, in each and every year.

Act approved Feb'y 12, 1867, amended.

Time of holding courts.

§ 3. This act shall be deemed a public act, and take effect from and be in force from and after its passage.

APPROVED March 8, 1867.

In force April 20, 1867. AN ACT to legalize certain acts of the county court of McHenry county, Illinois, therein named.

Preamble.

WHEREAS Thomas F. Johnson, guardian of Willie E. Johnson and Harriet M. Johnson, did at the December term of the county court of McHenry county, Illinois, for the year A. D. 1865, make application to said court for leave and authority to sell certain real estate therein described as belonging to said minors, which said order was by said court in due course of business granted, authorizing and empowering said Johnson to sell said real estate, and that said real estate was afterwards, to-wit; on the 26th day of December, 1865, in pursuance of said order sold, and at its March term for the year 1866, the report of said sale was by said court duly approved and confirmed; and whereas, doubts have arisen as to the technical regularity of said proceedings; therefore,

Acts legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the proceedings in said case herein above entitled, in all things pertaining thereto, be and the same are hereby legalized and declared to have full force and effect, the same in every particular as if the laws of the state had been strictly complied with in said proceedings.

APPROVED February 20, 1867.

In force Feb'y 22, 1867. AN ACT to provide for transcribing Deed Records "A," "B" and "C," and Circuit Court Execution Docket "A," Circuit Court Record "B" of Lawrence county, Illinois.

Records.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Gilbert F. Nigh, of Lawrence county, be and is hereby authorized to transcribe deed records "A," "B," and "C," circuit court execution docket "A," and circuit court record "B," of said county.

Books provided.

§ 2. The board of supervisors of said county shall provide for that purpose well bound books.

§ 3. The county judge and county clerk of said county, shall examine and carefully compare the records so trans-

cribed, and if they find them to have been done correctly they shall certify the same to be a true copy, under their hands and the seal of the county court, and for said examination said judge and clerk shall receive the sum of three dollars per day, to be paid out of any moneys in the county treasury not otherwise appropriated.

§ 4. Said record, when so transcribed and certified as aforesaid, shall be evidence in all courts of this state of equal force and validity with the originals. Record to be evidence.

§ 5. For transcribing said records, said Nigh shall receive the sum of fifteen cents for every one hundred words, to be paid out of the treasury of said county. Compensation.

§ 6. This act shall be a public act, and be in force from and after its passage.

APPROVED February 22, 1867.

AN ACT to legalize certain acts therein mentioned.

In force Feb'y
22, 1867.

WHEREAS the city council of the city of La Salle, in the county of La Salle, by a certain contract made and entered into by said city council with Richard Cody, Michael Byrne and Nicholas Duncan of said city of La Salle, authorized the said Cody, Byrne and Duncan to mine and take out the coal underlying the streets, alleys and public grounds of that portion of said city of La Salle, situated upon section number fifteen (15,) in township number thirty-three (33) north, range number one (1) east of the third principal meridian, upon certain terms and conditions in said contract mentioned; and whereas some doubts are entertained with regard to the full authority of said city council to make and enter into said contract, and as to the entire legality of the same; now therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said contracts and all the several matters and things therein contained, be, and the same are hereby fully ratified and confirmed, and the same shall be deemed and held in all courts and places whatever entirely legal, valid and effectual. Contracts.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1867.

In force Feb'y 28, 1867. AN ACT to enable the county court of Iroquois county to perpetuate evidence of the contents of records and papers destroyed by fire, and to grant relief in certain cases therein mentioned.

Preamble. WHEREAS, the records of the county court of the county of Iroquois, were nearly all destroyed by fire in October, A. D., 1866; therefore,

Restoration of records. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in cases where papers or records belonging to or pertaining to the business or jurisdiction of the county court of Iroquois county have been destroyed by the fire which occurred in October last, it shall be lawful to restore said records or papers, or perpetuate evidence of the contents thereof in the manner hereinafter provided.

Petitions. § 2. Whenever any person or persons being interested as administrator, executor or guardian, or as their ward or creditor, of any estate probated in said county court or as having title accruing through or by any proceeding had of record in said court, or wills, or papers, necessary to the vindication and establishment of such title, shall file a petition in the office of the clerk of the county court, stating the destruction, by fire, of such record, proceeding, will or paper or papers, and disclosing therein how and in what manner such person or persons is affected or injured by such destruction and also stating all other persons who may be interested therein and the residence of such persons, said county clerk shall issue summons thereon to all parties who may be made defendants in such petition, who may be residents of the state of Illinois, and in case such defendant or defendants shall not be residents of the state, shall upon affidavit being filed of such non-residence, cause publication of notice to such non-residents of the pendency of such petition for two weeks successively. The first insertion of which notice shall be at least thirty days before the first day of the term of the court at which said petition is to be heard, which notice shall be published in some newspaper of general circulation in said county.

Summons. Publication of. Service of summons. § 3. Whenever service of summons shall be had ten days before any term of the county court, or constructive service shall have been had by publication as provided in section two of this act, the county judge shall order the defendant or defendants to make answer thereto during term time or in vacation, according as justice may seem to require, and shall conduct such proceedings according to the practice in chancery, and shall hear and determine upon the evidence adduced by the parties, either orally or by deposition, and shall make such order and decree therein as may be just and discreet; which decree shall contain the substance

of the evidence taken in such proceeding, and shall be spread at length upon the records of said court.

§ 4. Appeals may be taken from the final decree or order of said county court in all cases arising under this act in the manner and within the time now prescribed by law in appeals from the county court to the circuit court of said county of Iroquois. Appeals.

§ 5. Said county court shall also have power, either upon petition of a party in interest or upon his own motion to order citation to issue to any administrator, executor or guardian and compel such administrator, executor or guardian to appear before him, and may resort to attachment of the person, if necessary for such purpose, and to report and render an account under oath of all money, choses in action, property, matters and things in their hands as such administrator or guardian and of all their actings and doings in such official capacity, and said county judge may approve such report and account: *Provided*, that in all cases in which the reports and accounts of such administrator, executor or guardian have been destroyed by the fire, aforesaid, all parties in immediate interest shall have notice. Citations..

§ 6. The secretary of state shall within thirty days from the passage of this act furnish to the clerk of the county court of said county a certified list of all the justices of the peace in said county, whose terms of office have not expired, stating the time when each was elected, qualified and commissioned, which list shall be made a matter of record in the office of said county clerk, and in every case where it shall be found that any of such justices of the peace have no bond on file in the office of said clerk it shall be the duty of the clerk to issue notice to such justice, which notice shall be in writing and shall be personally served upon such justice by the sheriff of said county, and his return thereon shall be evidence of same, whereupon it shall be the duty of such justice to file a new bond in the office, to be approved as now provided by law, within ten days after receiving such notice; and in case of failure so to do his office shall be taken and deemed as vacant, and the county clerk shall immediately issue notice to the clerk of the town in which such justice shall have been elected of the failure of such justice to file new bond and of the vacation of his office. Certified list of justices of the peace.

§ 7. In all cases arising under section one of this act said county judge may equitably apportion costs. Vacancy.

§ 8. This act shall take effect from and after its passage.

APPROVED February 28, 1867.

In force May 7, 1867. AN ACT to enable the county court of Pulaski county to order a special assessment of the real estate of said county for the year 1866.

Preamble.

WHEREAS there seems to be great inequality in the assessment of the real estate of Pulaski county, making the burdens of taxation bear unequally upon the citizens of said county ; therefore,

Assessments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Pulaski county is hereby authorized to order the assessor of said county, upon being furnished with a transcript of the real estate of the county, as is now required at the regular assessment of said real estate, to assess all the real estate in said county, for the year 1866, and make return thereof to the county court of said county, at the March term of said court, and that the assessor be allowed, as compensation for making and returning said assessment, the sum of five dollars per day, to be paid in county orders at their cash value as estimated by said court.

Time for delivery of books extended.

§ 2. That the time for making out and delivering the collector's book to the sheriff of said Pulaski county for the year 1866, be and the same is hereby extended to the first day of April, 1867.

APPROVED March 7, 1867.

In force March 5, 1867. AN ACT to incorporate the Fox River Dairy and Cheese Factory Company.

Name and style Powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Salem B. Town, William Page Frazier and Theodore Winegar, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body corporate and politic, by the name and style of the "Fox River Dairy Company," and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary officers, servants and assistants ; and may have and enjoy and exercise all the powers necessary to carry out and execute the purposes and interests of a manufacturing and commercial company ; so far as necessary to engage in the purchase and growing and manufacture of farm and dairy products and goods and articles used in the producing thereof and in the preparation of the same for market.

Stock subscription.

§ 2. A majority of the incorporators herein named may proceed to open books for subscription to the stock of said company, and shall at the same time or thereafter desig-

nate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof, and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said company shall be ten thousand dollars, with power to increase the same to three hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be formed by said company, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as its by-laws may prescribe. Capital stock.

§ 4. The said corporation shall have power to borrow money, and may secure the payment of the same by deed of trust, mortgage or other securities upon real estate or personal property owned by them. Borrow money.

§ 5. Said corporation shall have power to receive bills, notes, bonds and deeds of trust, mortgages or other securities taken and received by them in the prosecution of their business. Bills, notes, etc.

§ 6. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be deemed necessary by them for the successful prosecution of their business, or which may be taken by them upon any debt owing to said corporation, and shall have power to sell and convey the same at pleasure. Real estate.

§ 7. The affairs of the company shall be managed by a board of directors, at least three in number. After the first election, as herein provided, the directors shall be elected by the stockholders at such time and place and in such manner as shall be established by the by-laws of said company. The directors of said company shall be elected annually, but any failure or omission to elect directors shall in no wise impair or affect the rights and powers of directors holding over or the rights or interests of the stockholders or others interested. Directors.

§ 8. The directors of said company shall have power to frame a body of by-laws for the election or appointment of all officers and agents of said company and for regulating the operations of said company, and to alter the same in the manner to be provided in said by-laws: *Provided*, that the same shall not be inconsistent with the laws or constitution of this state or the United States. By-laws. Proviso.

§ 9. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

* In force March 5, 1867. AN ACT to incorporate the Bureau County Dairy and Cheese Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Stephen G. Paddock, George W. Stone, Cairo D. Trimble and Joseph V. Thompson, their associates and successors, are hereby made and constituted a body corporate and politic, by the name and style of the "Bureau County Dairy and Cheese Company," and as such corporation shall have perpetual succession, may sue and be sued, have a common seal, make contracts, and have and enjoy all the rights, privileges, and immunities, and be subject to all the liabilities of a body corporate and politic, with power to purchase, hold and occupy so much real estate as they may deem necessary for the purposes of the said corporation.

Name and style

Powers.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each, to be deemed personal property and as such transferable on the books of the company, in the manner and subject to the restrictions provided in the by-laws. The capital stock may be increased from time to time to an amount not exceeding, in the aggregate, the sum of one hundred thousand dollars. In increasing the capital stock, each share of stock shall entitle the holder thereof to one vote.

Directors.

§ 3. The corporate powers of said company shall be exercised by a board of directors, not to exceed five in number, to be elected at such time as the by-laws shall determine. Each share of stock shall entitle the holder thereof to one vote in the election of directors. The directors may elect from their number such officers as they shall deem proper, and may prescribe their powers and duties, and they may appoint other officers and agents.

Officers.

Business and affairs.

§ 4. The said company are hereby authorized to engage in the business of raising, manufacturing and selling cheese, butter and other dairy, farm products and garden products, and in raising and selling stock; and may own so much real estate as they shall deem necessary for the pasturage of their cows or other stock, and may sell such of their lands as they do not require for their said pasturage; and may build cheese houses or other erections, and employ machinery about their business; and said company may borrow money and pledge their property to secure the same, by mortgage or otherwise.

§ 5. This act shall be a public act, and take effect from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the La Salle County Dairy and Cheese Company. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That Carnot C. Mason, Luther A. Wilson, William King and W. H. H. Holdridge, their associates and successors, are hereby made and constituted a body corporate and politic, by the name and style of "The La Salle County Dairy and Cheese Company," and as such corporation shall have perpetual succession, may sue and be sued, have a common seal, make contracts, and have and enjoy all the rights, privileges and immunities, and be subject to all the liabilities of a body corporate and politic, with power to purchase, hold and occupy so much real estate as they may deem necessary for the purposes of said corporation. Name and style
Powers.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of one hundred dollars each, to be deemed personal property, and as such transferable on the books of the company in the manner, and subject to the restrictions provided in the by-laws. Capital stock.

§ 3. The capital stock of said company may be increased from time to time to an amount not exceeding in the aggregate the sum of one hundred thousand dollars. In increasing the capital stock, each share of the stock shall entitle the holder thereof to one vote. Increase of
stock.

§ 4. The corporate powers of said company shall be exercised and controlled by a board of directors, not to exceed five in number, to be elected at such time as the by-laws shall determine. The directors may elect from their number such officers as they shall deem proper, and may prescribe their powers and duties, and they may appoint other officers and agents. Directors.

§ 5. The said company are hereby authorized to engage in the business of raising, manufacturing and selling cheese, butter and other dairy, farm and garden products, and in raising, buying and selling stock, and may build cheese houses or other erections, and employ machinery about their business; and said company may borrow money and pledge their property to secure the same by mortgage or otherwise. Business trans-
actions and
operations.

§ 6. This act shall be a public act and take effect from and after its passage.

APPROVED, March 5, 1867.

In force February 13, 1867.

AN ACT to incorporate the Champaign County Dairy Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Clark R. Griggs, J. W. Scroggs and James P. Root, and such persons as they may associate with them, are hereby constituted a body corporate and politic, by the name of "The Champaign County Dairy Company," and by that name shall have perpetual succession; may sue and be sued in all forms of action, in any court; may adopt, use or change a common seal; may make by-laws and rules for the government and regulation of its officers, affairs, business and property; may make contracts, and have and exercise all the powers, privileges and immunities, and be subject to all the liabilities of a body politic and corporate.

Name.

Powers, etc

Capital stock.

§ 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, to be deemed personal property, and transferable as such, in the manner and subject to the restrictions provided by the by-laws. The capital stock, when required by the company, may be increased to an amount not exceeding one hundred thousand dollars in the aggregate, by a vote of the stock holders representing a majority of the stock at any annual meeting or at a special meeting called for that purpose. When five per cent. of the capital stock shall have been paid in and directors have been elected as herein provided, the said company shall be deemed fully organized. The balance of the capital stock shall be paid in, in such installments and at such times as shall be determined by the directors, and the said company may by its by-laws impose fines and penalties upon stockholders or declare forfeited their shares of stock, for a failure to pay the installments upon the same as they shall become due.

Directors.

§ 3. There shall be elected annually by the stockholders, at such time as shall be fixed by the by-laws, a board of five directors, who shall have the control and management of the business, affairs, property and officers of the company; and the said directors, shall elect from their number a president, secretary and treasurer and such other officers and agents as they shall determine, who shall severally perform such duties as shall be required of them by the by-laws or resolutions of the said board, and from whom the said board may demand indemnity for the faithful discharge of their duties.

Business and operations.

§ 4. The said company are authorized to engage in the manufacture, purchase and sale of butter, cheese and other dairy and farm products, and in the pasturage, fattening and sale of cattle, hogs and other stock, and may establish agencies and depots for the disposition of their products, and may employ such labor, teams and machinery as they

may require, and to that end may own or lease real estate to an amount in value not exceeding the capital stock of said company, and may purchase, erect or hire all necessary buildings, make contracts, and do all things necessary for carrying on their said business.

§ 5. This act shall be a public act, and be in force from and after its passage.

APPROVED February 13, 1867.

AN ACT to amend an act entitled "An act to authorize the drainage of wet lands in townships forty-one and forty-two, in range thirteen and fourteen east, and sections one (1), two, eleven and twelve (12), in township forty, of range thirteen, and to incorporate the drainage commissioners, for that purpose." In force February 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lambert Blum, and Michael Gormly, be added to the drainage commissioners, and that, thereafter, the said commissioners shall consist of seven members, five of whom shall constitute a quorum. Additional commissioners.

§ 2. The drainage commissioners shall have power to appoint some suitable person collector and treasurer, who may be removed at their option, whose duty shall be to collect all money due the drainage commissioners by assessment or otherwise, and to disburse the same, only upon the order of the chairman of the drainage commissioners, countersigned by the secretary, and to keep a true and correct account of all money received and paid out by him, and to render a statement of the finances, when required by the drainage commissioners, and, for his services, he shall receive for collections two per cent. on all moneys collected, and one per cent. on all moneys paid out. Said treasurer shall give bond to the drainage commissioners, in the sum of three thousand dollars, with good and sufficient security, to be approved by the judge of the county court of Cook county, and conditioned that he will faithfully perform all the duties of his office, and account for all moneys coming to his hands as collector and treasurer, and deliver to his successor in office all books, papers and money belonging to the drainage commissioners, which bond shall be filed in the clerk's office of the county court of Cook county, and a certified copy thereof shall be received as evidence in all courts. Powers and duties of.

§ 3. The drainage commissioners shall have the same power and authority over township forty-two, (42) range twelve, in Cook county, as are invested in them by section Additional powers of.

two of the act to which this is an amendment, over the lands therein named.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force March 7, 1867. AN ACT to amend an act entitled "An act to authorize the drainage of lands in townships therein mentioned, and to construct roads therein."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the

Extension of powers, etc. of powers, privileges and immunities conferred upon the Cook county drainage commissioners, in the original act creating said commissioners a body politic, be and are hereby revived and extended over the entire county of Cook, in the state of Illinois, with power to act in any part of said county.

Construction of drains, etc. § 2. Said commissioners, and their successors in office, are hereby empowered to construct and lay down tile drains or sewers, and, with the consent of chief engineer of the city of Chicago, connect said tile drains or sewers with the city sewers.

Notice of assessments for. § 3. Said commissioners shall be required to give ten days' notice in three of the most public places in the town where said commissioners have or shall have made an assessment for any such improvement, road, drain or sewer, by posting up written notices, stating the extent of said work or improvement, and the amount that has been assessed therefor, and the day and place said commissioners shall meet to correct or amend said assessment, and, at their direction, upon the application of any person interested therein, may amend or correct the same or shall confirm it.

Former assessments legalized § 4. Any and all assessments heretofore made, are hereby legalized.

This act shall be a public act and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT providing for the drainage of certain lands in Champaign county, In force March 6, 1867.
Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the state and county tax, there shall be levied and collected, in year 1867, a sufficient special tax for draining the same on the following lands, within the county of Champaign, to wit: all the lands flowed by the Big Slough, and Wild Cat Sloughs, in the townships of Pera, Rantoul, East Bend and Newcomb, in said county of Champaign, twenty-one, twenty-two north, range six and seven east of the third principal meridian. Special tax—
purpose.

§ 2. For the purpose of carrying out the intentions of this act, A. H. Bailey, J. W. Dodge and A. B. Condit are hereby appointed commissioners, whose duty it shall be to employ a competent engineer, to make surveys, plans, and estimates, for the drainage of the lands above described, and to let such works, in whole or in part, to the lowest responsible bidder, after having given at least twenty days' printed notice of the time and place of letting; to collect, receive, and disburse the taxes herein provided for, and to superintend the work until completed, and to pay contractors therefor. Commissioners
—duties of.

§ 3. Isaiah Estep, R. B. Condit, and such other disinterested persons as they may associate with them, are hereby appointed to classify the lands above described, into three classes, placing that portion most to be benefited by drainage in the first class, and that which is least benefited in the third class, and the return of such classification to be made to the commissioners aforementioned, on or before the first Monday in April next. Classification of
lands.

§ 4. It shall be the duty of the commissioners, as soon thereafter as may be, to levy upon the lands before described, a sufficient tax to complete the drainage of said land, according to the estimate of [the] engineer, and to pay all other necessary expenses. Such tax to be levied according to the classification, (the first class paying the highest rate of taxation,) and which shall be a percentage on the assessment of the county assessor for the year 1867, and in no case exceeding fifty cents per acre. The second class shall be such a percentage on said assessment as shall in no case exceed forty cents per acre, and the third class shall be at such rate as shall not in any case exceed thirty cents per acre. Taxes

§ 5. Said commissioners shall make return of such assessments on or before the first Monday of September next, to the county clerk of Champaign county, whose duty it shall be to put down said tax in a separate column on the collector's book; and the collector shall proceed to collect the delinquent tax aforesaid as other state or county taxes. Return of as-
sessments.

- Collection of taxes. § 6. For the purpose of prosecuting said work, the commissioners may proceed to collect said tax as soon as the assessment is completed ; and their receipt, or that of their appointed agent or collector, shall be a complete discharge of all liability or claim for such tax.
- Right of way. § 7. Said commissioners shall have the power to secure the right of a way over any lands in Champaign county, for making such ditches and embankments, as may be necessary to drain the lands aforesaid by condemning the right of way and paying damages according to the provisions of laws now in force for securing the right of way for public roads and highways.
- Commissioners' bonds. § 8. Said commissioners are hereby required to make and execute a bond to the county clerk, for the use of the county of Champaign, for the full amount of the taxes assessed, conditioned that they will faithfully perform their duties as commissioners under this act, and for a failure to perform such duties or to pay over all the moneys received they shall forfeit and pay into the county treasury double the amount of such defalcation.
- Elections—manner of voting. § 9. The commissioners named in this act shall give at least ten days' notice for an election to be held at some convenient place within the district to be drained, on or before the first day of April next, at which election the legal voters within said district, being owners of land within the same, shall proceed to vote, giving one vote for each eighty acres of land they own, after the manner of voting at district school meetings, by depositing ballots "for special tax," and "against special tax." It shall be lawful for all owners of land in district not living in the same, to cast one vote for each eighty acres of land owned in said district ; and if a majority of such votes are found to be "for special tax," then this act to be in full force and effect ; otherwise null and void.
- Extension of provisions, etc. § 10. Should the provisions of this act fail to be carried out during the year 1867, from continuous rain or other causes, the provisions are hereby extended from year to year, as above, until said drainage is thoroughly effected ; but in no one year shall a greater assessment be made than is named in section four of this act.
- § 11. This act shall take effect and be in force from and after its passage.

APPROVED, March 6, 1867.

AN ACT to amend an act entitled "An act to establish a Board of Education in the city of Quincy," approved February 20, 1861, and "An act supplemental thereto," approved, February 22, 1861. In force April 27, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the first Monday in the month of August next, and annually thereafter, there shall be elected by the qualified voters of each ward in said city of Quincy, one representative or member from each ward in the said board of education, who shall hold his office for the term of two years and until his successor is elected and qualified; and there shall also be elected for a short term, by the qualified voters of the fourth, fifth and sixth wards of said city, on the said first Monday in August next, one representative or member from each of those wards in said board, who shall hold his office for one year, and until his successor is elected and qualified. And no ticket or vote at said elections shall be received or counted by the judges thereof for any person for said short term or one year unless the same shall have printed thereon and at the head thereof the words "For Short Term." The elections provided for in this act shall be held and conducted and returns thereof made to the city council of Quincy in all respects as is now provided by the charter of said city in relation to the election of aldermen in said city, and all vacancies in said board, by death, resignation, or otherwise, shall be filled by appointment of the said city council for the unexpired term.

Election of board.

§ 2. The city council of the said city of Quincy shall cause to be given at least ten days' public notice of elections under this act, by publication thereof in one or more of the newspapers of said city. Said city council shall fix upon the places of voting in the wards, appoint the judges, and provide the necessary blanks and papers for said elections. Said city council shall decide all cases of contested election or tie votes under this act, in the same manner as now provided in the city charter of said city in cases of contested elections or tie votes for aldermen of said city.

Notice of election—place and manner of voting.

§ 3. The judges of election in each ward, or a majority of them, shall appoint two clerks of election, who, together with the said judges shall, before entering upon the discharge of their respective duties, take an oath to discharge their duties according to law and the best of their ability. Said judges and clerks shall be allowed and paid by the city of Quincy the same compensation as in other city elections.

Duties of judges of elections.

§ 4. The board of education of Quincy, when organized under this act, shall be composed of two representatives or members from each ward of said city, who, except when elected for a short term, or one year, or when appointed by the city council of said city to fill an unexpired term, shall hold their office for a term of two years and until their successors

Number of the board—term of office—ward members.

are elected and qualified. The term of office of one representative or member of said board from each ward of said city shall expire each year. The members of said board from the first, second and third wards of said city who were appointed by the city council of said city at their regular meeting held on the first Monday of August last, shall serve out their full term which expires on the first Monday in August, 1868, and their successors shall then be elected in accordance with the provisions of this act.

Superintendent
of public
schools.

Term of office.

§ 5. The superintendent of the public schools of the city of Quincy, and the treasurer and clerk of the board of education of said city, shall each, on and after the first Monday of August next, be appointed by the said board of education, and shall respectively hold their offices for the term of one year, and until their successors are elected and qualified, unless sooner removed by a majority of said board, and shall, in their official capacity, be subject to and governed by the by-laws, rules and regulations of said board, and shall be allowed and paid such compensation for their services as said board may deem fit.

Treasurer to
give bonds.

Deposition of
funds.

§ 6. The treasurer of said board shall, before entering upon the discharge of his duties, give bond with good and sufficient security in such sum as the said board may by by-law or order direct, payable to the said board of education and conditioned for the faithful discharge of his official duties as treasurer of said board. No funds of said board shall be paid into the hands of said treasurer until he has given bond as aforesaid to the approval of said board. All public school money of said city of Quincy shall be paid to said treasurer, and he shall give his receipt therefor.

Indebtedness.

§ 7. It shall be the duty of the said board of education of the city of Quincy, and they shall have full power to determine the amount of money needed to be raised for public school purposes for the ensuing school year over and above the amount of money received from the state of Illinois, or from other sources, for public school purposes: *Provided*, said board shall not for any one year require to be raised more than three mills on each dollar of the then assessed value of the real and personal property of said city for city purposes, for the purpose of paying teachers' salaries; and not more than three mills on each dollar of said assessed value, for the purpose of meeting the expenses of obtaining school grounds, and erecting, repairing and improving school buildings and school grounds, and other expenses of maintaining public schools in said city.

Annual amount
of money re-
quired.

§ 8. It shall be the duty [of] the said board of education to report to the city council of the said city of Quincy at their regular meeting in the month of April next, and annually thereafter, the amount of money so needed and required for public school purposes in said city of Quincy

for the fiscal year commencing on the first Monday of August succeeding such report.

§ 9. The city council of the said city of Quincy, there-
upon shall levy and cause to be collected the said amount
of money so reported by said board of education, on all
the real and personal property of said city, according to
the assessment and valuation thereof, for city purposes, for
the current year, equally, by a certain rate per centum, and
the same shall be collected by the collector of said city the
same as other city taxes are collected. A special column
shall be prepared in the city tax list headed, "public school
purpcses," in which shall appear the amount of tax for
public school purposes chargeable against each parcel of
real estate or amount of personal property, and when said
taxes are collected, the collector shall keep a separate
account of the same, and they shall be paid only to the
treasurer of said board, and shall be used and applied for
public school purposes only.

Collection of.

Special column
in tax list.Public school
puposes.

§ 10. A majority of the members of said board of edu-
cation, shall constitute a quorum for the transaction of
business, but a less number may adjourn from day to day,
until a quorum shall be in attendance.

Quorum.

§ 11. No person shall at the same time be a member of the
city council and of the board of education of Quincy, and
no person shall be elected or appointed a member of said
board who has not resided in said city one year next pre-
ceding his election or appointment.

Membership.

§ 13. Sections three, (3) five, (5) and seventeen (17) of
the "act to establish a board of education in the city of
Quincy," approved February 20, 1861, and section two (2)
of "an act supplemental thereto, approved February 22,
1861," and all parts of the aforesaid acts to which this act is
an amendment and all parts of the charter of the city of
Quincy which are inconsistent or conflict with the provisions
of this act, are hereby repealed.

Repealed sec-
tions.

§ 14. This act shall be submitted to a vote of the quali-
fied voters of the city of Quincy, at a special election to be
held on the third Monday in March, A. D. 1867, and if at
said election a majority of the votes cast shall be in favor of said
act, the same shall become a public act and in full force;
but if a majority of the votes cast shall be against said act,
it shall be null and void. The votes cast at said election
shall have written or printed thereon, "for school law,"
or "against school law," and under all elections provided
for in this act, the registry of the legal voters of the city of
Quincy, used at the last preceding election, shall be used
in place of making a new registry of voters, as now pro-
vided in the general laws of this state. The city council
shall give at least ten days' notice of said election and
shall on the Wednesday next succeeding said election, can-

Act to be sub-
mitted to a vote
at a special
election.

For school law.

Against school
law.Publication of
notice of elec-
tion.

vass the vote of said election, and immediately promulgate the same by publication.

APPROVED February 27, 1867.

In force Feb'y 28, 1867. AN ACT to amend an act entitled "An act to establish a corporation in Sparta school district, for the purpose of public education."

Demand for a portion of the interest of the school fund.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the board of education may demand and receive from the trustees of township (5) five south, of range five (5) west, and the trustees of township five (5) south, of range six (6) west, and from the treasurers of said township, such portion of the interest of the school fund, and of such other funds as said district is now or may hereafter be by law entitled to receive by delivering to each of said township treasurers on the first Monday of April and October in each year, a certificate of the whole number of days taught, of scholars residing in that portion of the township within said school district, and by delivering to each of said township treasurers on the first Monday of October in each year, a statement of the whole number of children under twenty-one years of age residing in that part of the district lying in each of said townships respectively, and said interest and other funds may be drawn from each of the treasurers of the townships aforesaid, and receipted for by the treasurer of said board of education.

Taxes.

§ 2. Said board of education shall on or before the first day of April in each year, levy a tax upon all the taxable property of the district for the purpose of establishing and supporting free schools, for not less than six months in each year and defraying all the expenses of the same of every description, for the purpose of building, repairing and improving school houses; of purchasing school house site; of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses; said tax not to exceed three per cent. per annum.

Assessor and collector.

§ 3. Said board of education shall appoint an assessor and collector for said Sparta school district, who shall hold their respective offices for the term of one year and until their successors are appointed and qualified. Said assessor and collector before entering upon the duties of their respective offices, shall each execute and deliver to said board of education a bond, with two or more securities, who shall be freeholders and not members of said board of education with sufficient penalty to be determined by said board of education, said bond to be approved by said board of education.

§ 4. Said board of education shall have power to define the duties of said assessor and collector, and the manner and time of assessing and collecting the tax levied by said board of education, and to fix the amount of fees to paid to each of said officers. Duties of.

§ 5. Section ten, (10) of the act to which this is an amendment, is hereby repealed. Act repealed.

§ 6. This act shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to fix the place of holding elections in the town of Silver Creek, in the county of Stephenson. In force February 19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter all general and special elections and town meetings in the town of Silver Creek, in the county of Stephenson, shall be held at the school house in school district number five (5) in said town of Silver Creek, until otherwise authorized by law. Place of election.

§ 2. In case there shall at any time be no school house in said district, the said elections and town meetings may be held at any other place in said district which the supervisor of said town may appoint; said supervisor in such case to give public notice of the place of holding such election by posting up notices thereof in three of the most public places in said town ten days before such election or town meeting. Change of place

§ 3. This act shall take effect and be in force from and after its passage, and shall be deemed a public act.

APPROVED February 19, 1867.

AN ACT to divide the town of Springfield into election districts.

In force Feb'y 19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Springfield, in the county of Sangamon, shall be divided into as many election districts as there are wards in said city and one additional district, that each ward shall constitute one district, and that part of the town outside of the city limits shall also compose one district. Election districts.

§ 2. The board of supervisors at their September term in each year shall be authorized and required, for all gene- Opening polls.

ral and special elections not arising under the city charter of the city of Springfield, to open such number of polls as may be necessary in each of said districts at which the legally qualified voters of each district shall vote.

Judges for.

§ 3. The said board of supervisors shall appoint judges for each of said polls, who shall be a board of registry, whose duty it shall be to make a register of voters in their respective districts to be used at their respective polls, and who shall proceed in all respects as now required by law, and be subject to all the penalties that are now or may be provided by law.

Application of penalties.

§ 4. All the penalties that are now or may be provided by law shall apply to any person who shall register his name or vote in any other district than that in which he shall be legally entitled to vote.

Election of supervisors.

§ 5. Two supervisors shall annually be elected in each district into which said town of Springfield shall be divided, at the annual city charter election, by the legal voters of each district, and said supervisors shall constitute a portion of the board of supervisors of said county of Sangamon.

Conflicting acts repealed.

§ 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 7. This act shall be in force and take effect from and after its passage.

APPROVED February 19, 1867.

in force Feb'y AN ACT to legalize an election held for railroad purposes in the town of
22, 1867. Edwardsville, in Madison county.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the election of the legal voters of the town of Edwardsville, in Madison county, held at the grand jury room in the court house in said town on the 13th day of October, A. D. 1866, authorizing the president and board of trustees of said town to subscribe the sum of thirty thousand dollars to aid in the construction of the Madison county railroad, be and the same is hereby legalized in all respects.*

Election of 13th
October, 1866,
legalized

edness.

§ 2. The president and board of trustees of said town are hereby authorized and empowered, in pursuance of said election, to issue the bonds of the said town of Edwardsville to the amount of thirty thousand dollars, to be used to the best advantage according to the judgment of the said board of trustees, in aiding in the construction of the Madison county railroad; such bonds to be of such denominations and payable at such times and places and with such rate of interest as the said board of trustees may prescribe; and

the said bonds shall be registered and signed by the clerk and countersigned by the president of the board of trustees of said town, and when so issued shall be valid and binding.

§ 3. The board of trustees of said town, for the purpose of paying said bonds when they become due and payable, with the interest which may accrue thereon, are hereby authorized to levy and collect a special tax on all property subject to taxation under the general laws of the state, being within the corporate limits of said town, according to valuation, which valuation shall be assessed by three *bona fide* freeholders residing in said town, who shall be appointed by the board of trustees. Taxes.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of In force Feb'y
Eureka," approved February 23, 1859. 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the town of Eureka shall include and embrace all the land bounded as follows: Beginning at the northeast corner of the northwest quarter of section (7) in township twenty-six (26) north, range one (1) west of the third (3) principal meridian; thence running west one (1) mile to the northwest corner of the northeast quarter of section twelve (12) township twenty-six (26) north, range two (2) west of the third (3) principal meridian; thence south two (2) miles, to the southwest corner of the southeast quarter of section thirteen (13), township twenty-six (26) north, range two (2) west of the third (3) principal meridian; thence running east one (1) mile to the southeast corner of the southwest quarter of section eighteen, (18) township twenty-six (26) north, in range one (1) west, of the third (3) principal meridian, and thence running north (2) miles to the place of beginning in the county of Woodford. Corporate limits.

§ 2. That the fifth section of said act be, and the same is hereby amended so that the justice of the peace provided for in said section, hereafter elected, shall hold his office for four years, and until his successor is duly elected and qualified, and so that the town constable therein provided for, hereafter elected, shall hold his office for two years, and until his successor is duly elected and qualified. Justice of the peace—term of office.

§ 3. That the justice of peace of said town shall be commissioned by the governor of the state of Illinois, as a How commis- sioned.

justice of the peace, and as such, give bond and take and subscribe the same oath of office as other justices of the peace, and as such shall, in addition to the cases arising under the town ordinances, have the same power and authority, and the same jurisdiction as other justices of the peace in this state.

Change of
venue.

§ 4. In all cases arising under the ordinances of said town, change of venue shall be allowed from said justice of the peace to the nearest justice of the peace to be applied for in the same manner and granted on the same conditions and in the same manner as the changes of venue from justices of the peace now are. The justice of the peace before whom such cases may be sent by change of venue, shall have power to hear such cases in the same manner as the justice of the peace of said town might have had if no such change of venue had been taken.

Taxes.

§ 5. That the president and trustees of said town shall have power and authority to levy and collect taxes on all property real and personal, within the limits of said corporation, not exceeding one per centum per annum upon the assessed value thereof, and may enforce the payment of the same in manner prescribed by ordinance: *Provided*, that a greater per centum per annum than one per centum may be assessed and levied as aforesaid, if the majority of the qualified voters of said town shall so determine at any regular election held in said town.

Private property
taken.

§ 6. That whenever it shall be necessary to take private property for opening, laying out, altering, widening, extending or establishing any street, avenue, lanes, alleys or public roads, or sidewalks in said town, the corporation shall make a just compensation therefor to the person or persons whose property is proposed to be taken; and if the amount of such compensation can not be agreed upon, the same shall be ascertained by three disinterested freeholders of said town, who shall be selected for that purpose by the president and trustees of said town. The commissioners so selected shall be first duly sworn before the justice of the peace of said town to fairly and impartially assess the damages aforesaid, and shall return to the president and trustees of said town their award in writing signed by each of said commissioners, and either party may appeal therefrom to the circuit court of Woodford county, in such manner and upon such terms as may be prescribed by ordinance of said town.

Damages.

§ 7. That in the assessment of such damages the commissioners shall take into consideration the benefits, as well as the injury happening to the owner or owners of the property taken as aforesaid.

Streets and
alleys.

§ 8. That whenever any street, avenue, lane, alley or public road or sidewalk shall be laid out, opened, altered, widened, extended or established by the president and trustees, of said town, or any sidewalk built or repaired, or any street or avenue graded or worked, the president and trustees may apportion and assess the damages and expenses of such

improvement upon the real estate benefited, in proportion to the benefits resulting thereto, from the improvements, as nearly as may be: *Provided*, that such assessment shall not exceed the amount of the benefits to any owner of lots adjoining the same.

§ 9. That for the purpose of ascertaining the benefits to any real estate resulting from any such improvements, where the same can not be agreed upon, the same may be ascertained by three disinterested free holders of said town, who shall be selected and appointed by the president and trustees of said town for that purpose. The commissioners so appointed shall be first duly sworn by the justice of the peace of said town, to fairly and impartially assess and ascertain the benefits of any such improvements to the real estate adjoining the same, and shall return such assessment in writing, signed by each of said commissioners, and returned to the board of trustees, at their first meeting thereafter, and either party may appeal therefrom to the circuit court of Woodford county, in such manner and upon such terms as may be prescribed by ordinance. Benefits arising.

§ 10. That the president and trustees of said town shall have power to levy and collect a special tax of the amount of the benefits as reported on the owners of lots, or parts of lots respectively so benefited by the improvements as aforesaid which said special tax shall be collected in the same manner as other taxes are. Special taxes.

§ 11. That all elections of officers in said town, and all and singular the acts of the several officers elected and appointed under said act, and all ordinances and by-laws passed by the president and trustees of said town, be and the same are hereby declared legal and binding to all intents and purposes, either at law or equity. Election ordinances binding and valid.

§ 12. That all parts of the act to which this act is an amendment, inconsistent with this act, are hereby repealed.

§ 13. That this act shall be a public act and shall take effect from and after its passage.

APPROVED February 22, 1867.

AN ACT to divide the town of Decatur, in the county of Macon, into two election districts. In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the town of Decatur in the county of Macon, be and the same is hereby divided into two election districts as follows: All that portion of the city of Decatur in said town which lies east of Water street in said city of Decatur, together with that portion of said town of Decatur lying outside of the city limits of the said city of Decatur, and north and south of Election districts.

said city, and east of a line running north and south through said city, parallel with and through the center of Water street in said city, shall constitute the first election district of said town of Decatur. And all that portion of said town of Decatur, and city of Decatur lying west of Water street aforesaid, and west of the line aforesaid shall be and constitute the second election district of said town of Decatur.

Judges of.

Board of registry.

Penalties and restrictions.

§ 2. The board of supervisors of the county of Macon, shall appoint judges of election, who with the clerks, shall be a board of registry for the said districts, and the same rules, regulations and laws shall apply in all things to said election districts as are applied to general elections in the different towns in this state, under the general election laws; and voters and persons shall be subject to the same penalties, restrictions and qualifications as is provided for by law by the general laws of this state in reference to elections.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 6, 1867.

In force March 7, 1867. AN ACT to regulate the holding of elections in the town and city of Peoria.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in the township of Peoria, county of Peoria, the town meeting now provided for by law shall be and is hereby abolished, and the board of auditors now provided for by law, and the assistant supervisor and ward supervisors shall constitute a board, who shall transact all the town business now provided by law to be transacted by the town meeting.

Town meetings abolished.

§ 2. The town officers of the town of Peoria shall be voted for by precinct, (each ward in the city of Peoria being one precinct, and the returns shall be made to the, *ex officio*, town clerk, who, calling to his assistance two justices of the peace in the county, shall canvass the votes, grant certificates of election to the persons having the highest number of votes, and declare them to be elected. If any city or county officers shall be voted for at such elections the returns of the votes for such officers shall be made as now provided for by law.

Manner of voting for town officers.

§ 3. The office of town clerk in the town of Peoria is abolished, and the duties and emoluments of said office, shall devolve on the city clerk of the city of Peoria, who shall be, *ex officio*, town clerk.

Town clerk.

§ 4. The office of city assessor, in the city of Peoria, is abolished, and the duties of said office shall be performed by the town assessor of the town of Peoria, who shall receive as additional compensation, only such an amount as the city council of the city of Peoria shall grant him for copying so much of the township assessment lists as may be embraced within the corporate limits of the city of Peoria.

Office of city assessor abolished.
Town assessor.

§ 5. The time of holding the annual city elections in the city of Peoria, is changed to the time of holding the annual township meetings in the state of Illinois. The city council of Peoria shall divide the territory of that portion of the town of Peoria, lying outside and beyond the city limits, into two divisions as nearly equal as may be and provide for the voting at all elections of the voters of one portion of said territory at the polls of the fifth ward in the city of Peoria, and those of the other portion at the polls of the sixth ward in said city: *Provided*, that such voters shall not be allowed to vote for city officers. There shall be separate registry lists for each of said districts, which districts shall be known respectively, "The upper election district" and "the lower election district of the town of Peoria."

Time of holding city elections.

Proviso.

§ 6. That so much of the registry law as relates to the appointment of boards of registry in the election districts in the city of Peoria is hereby repealed and that at the next annual town election in the town of Peoria, and at each annual election thereafter, there shall be elected by the legal voters of said town, a board of registry consisting of five legal voters of said town, (only three of whom shall be voted for on any one ballot,) who shall perform all the duties at all elections and be liable to all the penalties now devolving upon the board of registry in the city and town of Peoria, who shall hold their office for one year or until their successors are elected and qualified; said board shall meet at the city hall in said city of Peoria, instead of the places of holding elections (a majority of said board constituting a quorum and being qualified to transact business) and shall sit at their first meeting three days instead of two days, and in addition to the two days now provided for by law for the correction of the registry lists, shall also sit the Saturday previous to each election. The said board of registry shall within the time now provided by law for posting registry lists, post printed copies of the registry lists of each election district in the city and town of Peoria at the city hall and each place of holding election in said city. Said board of registry shall have power to employ a clerk, and said board and clerk shall receive compensation now allowed by law to similar officers. Vacancies in said board shall be filled by the remaining members of the board.

Repeal of registry law.

§ 7. That hereafter in all cases of challenge before the board of registry, in the town of Peoria, of the right of any

Challenges.

foreign born person, who has become an inhabitant of the state since 1848, to have his name entered on the registry lists of either election district of said town or city of Peoria; said challenge being upon the ground of a want of citizenship, such person shall be required to produce his naturalization papers or certified copies of the same in evidence of such citizenship, and no person shall be allowed to vote at any city, town or other election in the city or town of Peoria, whose name has not been placed upon the registry list of the election district in which he may offer his vote by the board of registry previous to the day of election.

Election of
judges of
elections.

§ 8. At the next annual town election in the town of Peoria, and at each annual town election thereafter, there shall be elected in each election district, three judges of election (only two of whom shall be voted for on any one ballot) who shall be voters of the district in which they are elected, who shall hold their office for one year or until their successors are elected and qualified, who shall be judges of elections in the district in which they are elected, and whose powers, duties, liabilities and emoluments shall be the same as now provided for by law, for judges of election. Vacancies in any board of judges shall be filled as now provided for by law.

Failure to elect.

§ 9. If the requisite number of judges of election and members of the board of registry provided for by this act, shall not be elected by reason of any two or more persons having an equal number of votes for the same office, the right of such persons to hold the office shall be decided by lot in the manner now provided by law, for deciding tie votes for county officers.

Board of regis-
try.

§ 10. Henry A. Baldwin, James M. Cunningham, Andrew Bowman, Enoch Emery and Adam Lucas, are hereby constituted a board of registry for the next annual town and city election, who shall in addition to their other duties appoint the judges of election for said next city and town election.

§ 11. This act shall be in force from and after its passage.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to change the time of holding town meetings in Will county, create election precincts, and provide for the election of commissioners of highways, for the town of Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That hereafter the annual town meetings in the county of Will, shall*

Time of holding
annual meet-
ings.

be held on the first Tuesday next, after the first Monday of November, in each year.

§ 2. The supervisors of each town, in said county of Will, shall be the moderator of the meeting and shall at the same time be one of the board of election now provided for by law. The town clerk shall also act as one of the clerks of the election, as also of the town meeting. In case the supervisor and town clerk, or either of them should be absent, then the electors present shall choose from their number, to fill the board of election; and the business of the town meeting, as also the election for state, county and other officers shall proceed in all respects as if they were present.

Supervisor—duties of, as moderator.

§ 3. The town officers now in office in said county of Will, shall hold over until the next general election, after their term of office, for which they were elected expires, and until their successors are elected and qualified.

Town officers shall hold over

§ 4. The town of Joliet, shall be divided into two election precincts; all that part of said town lying east of the Des Plaines river to constitute the "East Election Precinct," and that part lying west of said river to constitute the "West Election Precinct." The board of election, of the east precinct, shall be the supervisor, collector and assessor, of said town, the town clerk being one of the clerks. The board of election of the west precinct shall be the assistant supervisor, if residing in said district; the two other members of said board to be appointed by the board of supervisors of said county.

Election precincts.

§ 5. Three commissioners of highways for the town of Joliet shall be elected at the next general election as provided for by this act, by the legal voters of said town, residing outside the limits of the city of Joliet, to hold their offices respectively, for one, two and three years, the officers thus elected, to decide by lot their respective terms of office, as now provided for by law, at each annual town meeting thereafter, one shall be elected for the term of three years and until his successor is elected and qualified.

Election of commissioners of highways.

§ 6. The board of election shall make returns to the county clerk, for all the officers voted for except the town officers, and shall declare who are elected town officers as now provided for by law; except in the town of Joliet. The return, of the election of town officers shall be made to the town clerk, who, calling to his assistance, two justices of the peace of said county, shall canvass the votes and grant certificates of election to the persons receiving the highest number of votes.

Returns.

§ 7. Special town meetings may be held during the year 1867, to transact the business which the changing of the time for the annual town meeting of this act may make necessary.

Special town meetings.

Conflicting laws
repealed.

§ 8. All laws or parts of laws in conflict herewith are hereby repealed.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force Feb'y
23, 1867.

AN ACT to change the name of the Western Engraving Company.

Name changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter, the name, title and style of the "Western Engraving Company," doing business in the city of Chicago, state of Illinois, organized under the general law of the state of Illinois, entitled "An act to authorize the formation of corporations, for manufacturing, mining, mechanical or chemical purposes," approved February 18, 1857, shall be "The Western Bank Note and Engraving Company." But the change of the name of said company does not in any degree affect the rights, liabilities, powers or duties, as heretofore possessed or belonging to said company.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED, February 23, 1867.

In force March
7, 1867.

AN ACT for the better preservation of the evidences of marriages in the county of Madison.

Preamble.

WHEREAS, the evidences and records of marriages in the county of Madison, dating from the year 1813, were originally quite imperfect, and have, by time and use become much injured, and in many cases nearly obliterated and indistinct; and whereas, no index to names of males has been kept to a large portion of said records, and no index whatever has been kept to names of females; therefore,

County, clerks
to make regis-
ters,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the better preservation of the evidences and records of marriages in the county of Madison, and for the convenience of the public, the clerk of the county court of said county is hereby authorized and required to make a registry of all the marriage licenses, marriage certificates and evidences of marriages now on file or of record in his office, which said registry shall contain the date of license and number, the christian and surnames of both the parties, the date of their

marriage, the name of the person certifying the same, and the time when returned; and said clerk shall also make complete indices to said marriage registry, in alphabetical order, by surnames of both parties, the names of males in one book and the names of females in another book; and shall keep the same kind of registry and indices of all marriage licenses or marriage certificates hereafter issued or filed in his office.

§ 2. The county court of said county shall provide well bound books, in which to make said registry and indices, and shall pay said clerk for making said registry at the rate of ten cents for each marriage license or marriage certificate registered by him, and two cents per line for making indices in pursuance of this act.

Books of registry.

§ 3. The registry and indices provided for in this act, when made, shall be taken and deemed to be records of said county, and shall be received in evidence in all courts in this state the same as original records; and certified copies of said registry shall have the same force and effect as certified copies of the records of said county.

Registry lists declared records.

§ 4. This act to be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Northwestern Fertilizing Company.

In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Christian Wahl, Louis Wahl and John a Lighthall and their successors, associates and assigns, be and they hereby are constituted a body politic and corporate; to have continued succession and existence for the term of fifty years, and to be known as "The Northwestern Fertilizing Company," and by that name and style may contract and be contracted with; sue and be sued, as a natural person may; they may have and use a common seal; they shall have power, in their corporate name, for the use of said corporation, to purchase and hold sufficient real estate for the free enjoyment of all privileges herein granted, and to make all proper by-laws and rules for the government of said corporation.

Corporators.

Name and style.

Powers.

§ 2. The capital stock of said company shall be fifty thousand dollars, with power to increase the same to any sum not exceeding two hundred and fifty thousand dollars.

Capital stock.

§ 3. The above named persons, or a majority of them, may meet at any time after the passage of this act, and organize said company, on the stock therefor being subscribed for to the amount of fifty thousand dollars; and they may issue certificates and then hold an election for such officers

Organization.

as may be created by the by-laws which may be hereafter enacted for the government of said company, which officers shall hold their offices for the length of time fixed by the said by-laws, to be enacted hereafter by the said company. Said by-laws may be changed, from time to time, as may be provided by said corporation, acting through its managers.

Business and
operations.

§ 4. Said corporation is hereby authorized and empowered to establish and maintain chemical and other works, at the place designated herein, for the purpose of manufacturing and converting dead animals and other animal matter into an agricultural fertilizer, and into other chemical products, by means of chemical, mechanical and other processes.

Location.

§ 5. Said chemical works shall be established in Cook county, Illinois, at any point south of the dividing line between townships thirty-seven and thirty-eight. Said corporation may establish and maintain depots in the city of Chicago, in said county, for the purpose of receiving and carrying off, from and out of the said city, any and all offal, dead animals and other animal matter, which they may buy or own, or which may be delivered to them by the city authorities and other persons.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

In force Feb'y 6, 1867. AN ACT relating to a ferry therein named, across the Mississippi river, opposite the city of Louisiana, Missouri.

Preamble.

WHEREAS, by an act of the legislature of the state of Illinois, approved February 19th, A. D. 1859, W. & F. Burnett, their heirs and assigns, were authorized to establish and maintain a certain ferry therein named, across the Mississippi river, opposite the city of Louisiana, Missouri; and whereas, all the right, title and interest of the said Burnetts in and to said ferry have been lawfully and equitably sold and transferred, by various deeds of conveyance, duly executed and delivered to one James B. Thurmon, of Louisiana, Missouri; now, therefore,

Transfer of individual franchises and privileges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the said James B. Thurmon, his heirs and assigns, be and they are hereby clothed and invested with all the rights, privileges and franchises conferred by said act upon said W. & H. Burnett, subject to all the provisions of said act: Provided, that all the privileges, rights and franchises contained in said act, as well as in this act, shall be continued*

Proviso.

and extended to the said Thurmon, his heirs and assigns, for the period of twenty years from the passage of this act.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 6, 1867.

AN ACT to establish a ferry across the Illinois river, at Florence.

In force Feb'y 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Babbitt is hereby authorized and empowered to establish and operate a ferry, with either steam or horse power, across the Illinois river, between Florence, in Pike county, and Harris' Landing, in Scott county, with the privilege, during high water, of boating to and from any point of landing on either side, between the mouths of creeks known as Big Blue and Little Blue.

Individual powers and privileges.

§ 2. The said George W. Babbitt, his heirs and assigns, are hereby authorized to operate said ferry, for and during the period of thirty years, and charge for services such toll or ferriage as is charged by other steam or horse ferries, as the case may be, on the Illinois river.

Period of existence, etc.

§ 3. This act shall be in force from and after its passage.

APPROVED February 9, 1867.

AN ACT to amend an act entitled "An act to establish a ferry at Chester, in the county of Randolph, on the Mississippi river," approved January 17th, 1849, and an act to amend the same, approved February 21st, 1859.

In force February 12, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, from and after the passage of this act, the rates of ferriage allowed to be charged by the ferry established by the act to which this is an amendment shall be regulated semi-annually, on the first Saturdays of March and October of each year, by the mayor and board of aldermen of the city of Chester, in the county of Randolph.

Regulation of rates of ferriage.

§ 2. That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

Contravening acts repealed.

§ 3. This act to be in force from and after its passage.

APPROVED February 12, 1867.

In force Feb'y
13, 1867.

AN ACT to incorporate the Chalk Bank Ferry Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Wm. H. Logan, John Evens, sr., James V. Logan, John L. Garner, and Philip R. Van Frank, and their associates, successors and assigns, are hereby created a body corporate and politic, by the name and style of "Chalk Bank Ferry Company," and by that name shall have thirty years succession; may sue and be sued, plead and be impleaded, defend and be defended, in all courts and places; may have and use a common seal, and the same renew and alter at pleasure; may acquire and hold real and personal estate, and dispose of the same at pleasure; shall be able, in law and equity, to make and enforce all kinds of contracts; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes of this act.

Name and style

Powers.

Capital stock.

§ 2. The capital stock of said company shall be ten thousand dollars, and may be increased at the option of the stockholders, to such amount as they may deem necessary to carry out the provisions and intentions of this act; shall be divided into shares of one hundred dollars each; shall be considered personal property, and shall be transferable on the books of the company in such manner as the by-laws of the company may direct; and at any stockholders' election, any person who is a stockholder shall be entitled to one vote for each share owned by them, upon which installments due have been paid; and any stock upon which any installments are not paid when called for and notice given, as may be directed by by-laws, may, by the board of directors be declared forfeited to the company.

Directors.

§ 3. The immediate government and direction of said company shall be vested in a board of directors, of not less than three members, who shall be stockholders, and who, excepting the first board, shall be chosen by the stockholders—to hold their offices for one year after their election, and until others are duly qualified. The persons hereinbefore named as corporators shall constitute the first board of directors, and shall have power to do all things necessary for the organization and management of said company. The said directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number to be president of the company; may elect or appoint such other officers and agents as they may think proper; may fill vacancies in the board, occasioned by death, resignation or disqualification of its members; may receive subscriptions for stock and issue certificates therefor; may make such rules, regulations and by-laws, for the government of said company, the management of its affairs,

and the transfer of its property ; and do such other acts in regard thereto as to them may seem fit, not inconsistent with the laws of this state or of the United States.

§ 4. The said company are hereby authorized to establish and keep a ferry or ferries across the Mississippi river from town ten south, range four west of the third principal meridian, and in the county of Jackson, in this state, to the Missouri shore, and use boats or other craft, propelled by steam or other power ; and possess, use and enjoy all the rights, privileges and franchises and immunities necessary for the safe transportation of persons and property ; and may collect such rates of fare or ferriage for the transportation of persons and property across said river, at said ferry, as they may deem fit, not exceeding as follows, to-wit: For every person on foot, twenty cents ; for every horse and mule and rider, forty cents ; for every head of horses, mules or cattle, led or in droves, twenty cents ; for every head of sheep or hogs, ten cents ; for every wagon or carriage, drawn by one horse or other animal, sixty cents ; for every wagon or carriage, drawn by two horses or other animals, seventy-five cents ; for each additional horse or other animal, in one team, twenty cents ; for other property, such rates as may be agreed upon: *Provided, however,* that this act shall be subject to any alteration or amendment by the general assembly of this state.

Business and operations.

§ 5. In consideration of the establishing and maintaining of said ferry, said company shall be entitled to the beneficial provisions of sections nine, eleven and twelve of the forty-second chapter of the Revised Statutes of 1845, entitled "Ferries and Toll Bridges," and approved March 3d, 1845, and shall be exempt from paying license tax.

Entitled to beneficial provisions of certain sections.

§ 6. The said company is hereby further authorized to construct or build landings, wharves, levees, ferry houses and other buildings, to receive and keep property thereon or in on storage, and collect charges therefor ; to locate and construct roads from their landings to any public road in the vicinity ; and they shall be allowed the right of way over any lands for that purpose ; and in case of disagreement between said company and the owner or owners of land required for any of the aforesaid purposes, the price or damages shall be estimated, fixed and recovered in the manner provided in an act entitled "An act to amend the law condemning right of way for the purpose of internal improvements," in force June 22d, 1852 ; and the said company shall be entitled to all the beneficial provisions of that act.

Business, powers and privileges.

§ 7. The said company is hereby authorized to consolidate with any corporation that is now or may hereafter be chartered by or organized under the laws of the state of Missouri, and authorized to establish a ferry across the Mississippi river, at or near the place specified in this act.

Consolidations.

§ 8. This act shall be deemed and taken as a public act and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb'y 20, 1867. AN ACT to amend the charter of the Madison County Ferry Company-

Increase of the capital stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That "The Madison County Ferry Company" is hereby authorized to increase its capital stock to two hundred thousand dollars (\$200 000,) and thereafter, from time to time, to such amount as the directors of said company shall see proper and to divide the same into shares of such amounts as they shall deem most advisable.

Elections of directors.

§ 2. The next election of directors of said company shall take place on the first Wednesday of April, A. D. 1867; and elections of directors of said company shall be held every four years thereafter, in perpetual succession. The present acting directors, and all directors hereafter elected, shall hold over until their successors shall be elected and qualified. In case any director shall cease to be a stockholder, his office shall become vacant, and such vacancy and all other vacancies in the board of directors shall be filled by the remaining directors. Each share in the capital stock shall be entitled to one vote in the election of directors.

This act shall be in force from and after its passage.

APPROVED February 20, 1867.

In force Feb'y 19, 1867. AN ACT to establish a ferry in the county of Crawford, across the Wabash river, in town seven north, of range ten (10) west.

Ferry in Crawford county across the Wabash.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Chester H. Fitch, of the county of Crawford, and state of Illinois, his heirs or assigns, are hereby authorized to establish and maintain, for a period of twenty-five years, from the date of the passage of this act, a ferry, in the said county of Crawford, across the Wabash river, upon land belonging to said Fitch, viz: the northwest fractional quarter of section number eighteen (18), in township number seven (7) north of range number ten, (10) west of 2nd principal meridian.

Landings and roads.

§ 2. Said Fitch his heirs or assigns, shall make all the necessary landings or roads that may be necessary to in-

sure the safety and convenience of persons and property crossing said ferry, the road or landing up the river bank, from which, shall not exceed a slope of five degrees from the horizon, and shall be kept in good and safe repair, by a pavement of stone, timber or otherwise, and when not so, no tolls shall be charged for crossing at said ferry.

§ 3. Said Fitch, his heirs or assigns, shall receive, for the use of said ferry, such a rate of tolls, not exceeding the rates charged on the Ohio or Wabash rivers at Vincennes, or elsewhere; which said rate of tolls shall be posted up near said ferry, so that all persons, desiring to cross the same may see them. Rates of toll.

§ 4. Said Fitch, his heirs or assigns, shall pay into the treasury of Crawford county a yearly tax or license of twenty-five dollars; which amount shall, if necessary, be expended under the direction of said county court in keeping in repair the road leading to said ferry. And the following shall be the maximum rates of tolls charged at this or other ferries in said Crawford or adjoining counties. For each carriage or wagon and six horses or mules, 45c; for each carriage or wagon and four horses or mules, 40c; for each carriage or wagon and two horses or mules, 25c; for each carriage or wagon and one horse or mule, 20c; for each horse and rider, 10c; for each foot passenger or loose horse, 5c; for each head of neat cattle, 10c; for sheep and hogs, less than five head, each 5c; for all over five head, each 3c; Pay the yearly tax.

§ 5. That chapter forty-two of the Revised Statutes of eighteen hundred and forty-five, in relation to toll bridges and ferries, so far as the same are applicable, are hereby referred to and made a part of this act, which shall take effect and be in force from and after its passage. Maximum rates

APPROVED February 19, 1867.

AN ACT to establish a ferry at Evansville, on the Kaskaskia river.

Reference to Revised Statutes.
In force March 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Michael Walsh, of the county of Randolph, his heirs and assigns, be and they are hereby authorized to establish a ferry at Evansville in Randolph county, on the Kaskaskia river, and to keep the same in operation for the term of twenty years from and after the passage of this act.*

Authority of Michael Walsh to establish ferry.

§ 2. The said ferry authorized to be established by the first section of this act shall be known as the "Evansville Ferry Company," and by that name may plead and be impleaded, sue and be sued in all the courts of law and equity in this state. Name.

Location

§ 3. No ferry shall be established within one mile below or one mile above said ferry during said time, either by state or county authority, unless it shall have been determined, by legal investigation that the said Michael Walsh has failed to comply with the terms of this charter.

§ 4. This act shall be in force from and after the—day of March A. D. 1867.

APPROVED February 23, 1867.

In force March 8, 1867. AN ACT to authorize Greene P. Garner to keep a ferry across the Cache river, at Unity, Alexander county, Illinois.

Term of.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Greene P. Garner, his heirs and assigns, shall have the right, and they are hereby authorized to establish and keep a ferry, for the term of ten years from the passage of this act, across Cache river, at Unity, in Alexander and Pulaski counties.

Obligations of grantee.

§ 2. The said Greene P. Garner shall at all times keep good and sufficient boats for the speedy passage and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish such boats with men of sufficient skill and strength to manage them, and shall charge and receive such rates of ferriage as may be allowed him annually by the county courts of Alexander county and Pulaski county.

Exclusive privileges.

§ 3. Said Greene P. Garner, his heirs and assigns, shall have the exclusive privilege of ferrying at said place of Unity, across said Cache river, and for one-half mile each way up and down said river from the landing of his said ferry, unless the said Garner, his heirs or assigns, shall fail to comply with the provisions of this act; then and in that case, all rights and privileges acquired herein shall be forfeited; and the power to modify, alter or repeal this charter, whenever the public good may require, is reserved; said ferry to be taxed annually, as the county courts of Alexander and Pulaski counties may direct.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to amend an act entitled "An act to establish a ferry across the Kaskaskia river, at Athens, St. Clair county, Illinois," approved February the 16th, 1857. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of said act be so amended as to read "for and during the term of forty years," instead of for and during the term of twenty years. Section 1 amended.

2. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the Chillicothe Ferry, Road and Bridge Company. In force March 4, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John H. Batchelder, Samuel C. Jack, Henry Truitt, Harvey Hollman, Henry Hosmer, William Hunter, James Piper, Jacob Jones, Jefferson Hushaw and William Crank, and their associates and assigns, are hereby created a body politic, by the name and style of "The Chillicothe Ferry, Road and Bridge Company;" and by that name may have perpetual succession; may sue and be sued, implead and be impleaded in all courts where legal proceedings are had; contract and be contracted with; may procure, by purchase or condemnation, and hold all necessary corporate property; may make all needful by-laws and rules for the government of said company; and may appoint all officers and agents deemed necessary for that purpose. Corporators.

§ 2. The capital stock of said company shall be thirty thousand dollars, and shall be divided into shares of one hundred dollars each: *Provided,* said company may increase said capital stock to one hundred thousand dollars, if the same shall be deemed necessary to carry into effect the provisions of this act, the additional stock to be divided into shares of one hundred dollars each. The affairs of said company shall be managed by a board of five directors, three of whom shall be a quorum to do and perform the business of said company. And as soon as fifteen thousand dollars of stock shall be subscribed, said corporate members shall call a meeting of the stockholders of said company, at which said meeting shall be elected five directors, who shall hold their office for one year or until their successors shall be elected and qualified; and at all elections held by the stockholders of said company each stockholder may vote personally or by proxy, and cast one vote Capital stock.

Management of affairs.

for each share of stock held by such stockholder. The time and place of holding the first election may be fixed by a majority of said corporate members; and all subsequent elections shall be held and regulated by the by-laws of said company.

Business, powers and privileges.

§ 3. Said company, when organized by the election of directors, as aforesaid, shall be empowered and are hereby authorized to establish and run a ferry across the Illinois river, at Chillicothe, Peoria county, Illinois, under a former ferry privilege, granted January 20th, 1861, by the legislature of the state of Illinois, to John H. Batchelder and Ezra Sprague, upon making satisfactory terms with them or their assigns; and to lay out, open and maintain all necessary roads and highways, as approaches to the same; and, in case said company shall hereafter deem it advisable or necessary, they may also erect across the Illinois river, at or near the line of said ferry, leading from Chillicothe to the east bank of said river, a good and sufficient bridge, for the accommodation of the public travel: *Provided*, that said bridge shall be so constructed and built that it shall not materially obstruct the navigation of said Illinois river, and for the purpose of constructing and maintaining such ferry, road and bridge, and all embankments, approaches, toll houses and dwelling houses for collectors of toll, and such other works as may be requisite for said ferry, road and bridge, the said company may take possession of and use so much of the bed and shores of said river, or any public highway, street or alley of said village of Chillicothe, as shall be necessary. The said company shall have the same privileges, in preserving the right of way and material for the building and maintaining of said ferry, road and bridge, as are allowed officers of highways under the township organization law.

Proviso.

Special powers to construct roads, etc.

§ 4. Said company is hereby further specially empowered to construct and build a road, in such manner as they may see fit, across sections five (5), four (4), nine (9) and ten (10), in township twenty-eight (28) north, of range three (3) west of the third principal meridian, in Woodford county, Illinois, and are empowered to purchase said sections, or so much as they may desire, or in case they do not choose to purchase the same, to condemn the right of way across said sections, at least three hundred feet in width, in the same manner as is now provided for the construction of public highways. Said company, upon paying such damages as may be assessed, shall own the right of way so condemned as aforesaid.

Exclusive right to landings.

§ 5. Said company shall have the exclusive and sole right to the landing and ferry and bridge privileges of said river for the distance of one and one-half miles above the foot of Pine street, in the village of Chillicothe, and also for the distance of one and one-half miles below said Pine

street, within which said distance no ferry or bridge privileges shall be granted during the continuance of this charter. And said company shall also have the sole and exclusive control of the right of way across the sections aforesaid.

§ 6. The board of directors shall have power to make all needful rules and regulations to carry into effect the provisions of this act. Rules and regulations.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED March 4, 1867.

AN ACT to establish the Valley Ferry Company.

In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David T. Linegar, Patrick H. Pope, James S. Morris, J. Reed, John Hodges, Alexander H. Irvin and H. Watson Webb, and their associates, heirs and assigns be and they are hereby constituted a body corporate and politic, by the name and style of "The Valley Ferry Company," and by that name shall in law, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; may have and use a common seal, and may alter and change the same at pleasure; and, in their corporate name, shall be capable in law to purchase, hold, use and convey any estate, real, personal or mixed, that may be necessary for the use of said ferry. Name and style.

§ 2. The said corporation are hereby authorized and empowered to establish and maintain ferries over the Ohio river, to the state of Kentucky, and over the Mississippi river, to the state of Missouri, within three miles of the junction of the said Ohio and Mississippi rivers, in Alexander county, in this state. Powers.

§ 3. The capital stock of said company shall be twenty-five thousand dollars, which shall be divided into shares of fifty dollars each, which shall be taken and held to be personal property. The capital stock of said corporation may be increased, when the stockholders shall deem such increase necessary for the object herein contemplated. Location of ferries.

§ 4. The management of the company shall be in the hands of seven directors, and the persons named in the first section of this act shall be the directors for the first year after the organization, and said organization shall take place within two years from the passage of this act. Capital stock.

§ 5. Said company, hereby created, shall, within two years from the passage of this act, establish and maintain Directors.

- Obligations. a steam ferry boat, of sufficient capacity to accommodate the public, at the point named in section two of this charter, and any failure of said company, after the establishment of said ferry, at any time, to keep such steam ferry boat to accommodate the public, for the space of six months, shall work a forfeiture of this charter.
- Rates of ferriage. § 6. When the said ferry is established, it shall and may be lawful for the said company, their assigns and successors, to demand and receive from all persons crossing said ferry such rates of ferriage as may be established and allowed by the corporate authorities of the city of Cairo: *Provided*, such rates are not below the rates allowed to similar ferries on the Ohio and Mississippi rivers, in Illinois.
- Proviso.
- Payment of shares of stock § 7. The board of directors shall have power to require the payment, from time to time, of such sums on each share as they may deem necessary, and in their by-laws declare what shall constitute a forfeiture of stock for failure to pay the amounts as required.
- Government. § 8. The ferry hereby granted shall be, in all respects, governed by the general laws regulating ferries, toll bridges and turnpike roads, so far as they are applicable, except as is herein otherwise provided.
- Period of rights and franchises. § 9. This act shall be in force from and after its passage, and the rights and franchises granted by it shall continue, within the limits named, for twenty five years after its passage, after such time the legislature may alter, amend or repeal it, as the public good may require.

APPROVED March 6, 1867.

In force June 12, 1867. AN ACT to repeal part of an act and re-enact parts of another act named herein.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section one of "An act to amend an act entitled an act to incorporate the Wiggins Ferry Company," approved February seventeenth, A. D., eighteen hundred and fifty seven, be and the same is hereby repealed.

Wiggins' ferry company.

Section repealed

Section re-enacted. § 2. All that part of an act, entitled "An act to incorporate the Wiggins Ferry Company," approved February eleventh, A. D., eighteen hundred and fifty three, (1853), which was repealed by the act first above referred to, is hereby declared to be re-enacted and in full force and effect.

§ 3. This act shall be a public act, and in force from and after its passage.

* This bill having remained with the governor from the last day of the regular session of the twenty-fifth general assembly, who, by their adjournment, prevented its return within ten days, and not having been returned on the first day of the meeting of the general assembly, after the expiration of said ten days, has become a law, and is filed in this office, this 12th day of June, A. D., 1867. SHARON TYNDAL, Sec'y of State.

AN ACT to establish the Farmers' Ferry Company.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Tyler J. Irish, Jacob Yager, Samuel Deneen, George Bickelhaupt, sr., and John L. Irwin and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Farmers' Ferry Company;" and, by that name and style, they and their associates, successors and assigns, are hereby made capable to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity; to make and use a common seal, and to alter and change the same at pleasure. The said company shall have the exclusive right, within the limits hereinafter designated, for the term of twenty-five years, of establishing, landing, maintaining and operating a steam ferry, on and across the Mississippi river, at and from the Illinois shore, and due west or opposite of the terminus of a certain railroad switch or track, which said track or switch branches off from the St. Louis, Alton and Terre Haute Railroad Company's main track, and is known as the rolling mill track, or switch—the same being about one-half mile north of the town of Venice, in the county of Madison, state of Illinois. And the said company shall have the right to establish, maintain and operate said ferry at and from any point, not exceeding one-half mile north of said railroad track or switch, and at and from any point not exceeding one-half mile south of said railroad track or switch.

Name and style

Powers, etc.

§ 2. The said company shall, from and after said ferry shall be put into operation, and during the term aforesaid, keep a good and substantial boat or boats, to be propelled by steam power, and transport across said river all persons, whether on foot or on horseback, wagons and teams, all kinds of stock and other property or freight, demanding to be crossed at said ferry, except when the river is in a condition that it can not be crossed with safety, and shall not delay at either shore longer than one hour when persons are waiting to be crossed.

Requirements
and obligations

§ 3. Said company shall have the power to purchase and hold real estate, not exceeding three-quarters of a mile, along and in front of the Mississippi river, and running back or east one-half mile, within the points or limits as hereinbefore designated for the erection thereon of any warehouses or elevators, extending in the Mississippi river to low water mark, for the purpose of storing freight and other property, and carrying the same to any city or place in the United States. If such lands can not be acquired by voluntary purchase from the owners thereof, on terms mutually satisfactory to said company and the owners of such

May purchase
and hold cer-
tain property
for certain pur-
poses.

lands, then said company shall have power to condemn such lands, under any law or laws of the state of Illinois, for condemning lands for public uses, including the law of June 22, 1852. And the said company shall have power to lay and construct railways over any part of their grounds.

Rates of ferriage.

§ 4. The said company shall be allowed to charge and receive such rates of ferriage, and no more, as shall be prescribed by the county court of Madison county, Illinois, to be fixed, not oftener than once in each year, by said authorities.

Time to supply new property in case of loss.

§ 5. That should the boat or boats used in running the said ferry be sunk or otherwise rendered unfit for use, a reasonable time will be given for said company to supply their place with other boats.

Business and direction.

§ 6. The business of said company shall be under the entire control and management of five directors, to be chosen by the stockholders of said company, which directors shall choose one of their number to preside over their deliberations. Said directors shall continue in office one year, and until their successors shall be elected and qualified.

Capital stock.

§ 7. The capital stock of said company shall be fifty thousand dollars, and may be increased to two hundred thousand dollars, to be divided into shares of one hundred dollars each. The said directors may require all or any per centum of the stock to be paid in cash at the time of subscribing for the same.

Commissioners to receive subscriptions.

§ 8. The persons hereinbefore named, their associates, successors and assigns, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock of said company, at such time and place as they may think proper, by notice, published in two newspapers published in said county, at least ten days previous to the opening of the books for subscription of stock—said books to remain open until all the stock is subscribed, or until otherwise directed by said directors.

Notice of election of directors.

§ 9. As soon as twenty-five thousand dollars of the capital stock of said company shall be subscribed, the said commissioners shall give notice to the stockholders, in the manner prescribed in the sixth section of this act, that an election will be held for the purpose of choosing five directors of said company; and such election shall be held at the time and place previously appointed and advertised. Each stockholder present shall be entitled to give one vote for every share of stock owned by him. The said commissioners, or such of them as may be present, shall be judges of the first election of directors, and shall certify under their hands, the names of the persons duly elected to the office of directors; and the commissioners shall deliver to said directors the subscription books, together with all moneys paid to them on stock.

§ 10. Elections of directors, subsequent to the election provided for in the preceding section, shall be held at some place in this state, within five miles of said ferry landing, at such place and at such time in the month of June, in each year, as the directors may think proper. For this purpose the directors are required to give ten days' previous notice, in the manner prescribed in the ninth section of this act, and to conduct the election in the same manner as the commissioners are required to conduct the election provided in the said ninth section. If from any cause, an election shall not be made at the time appointed, such omission shall not affect the existence of the company, but the president shall, in such case, appoint another day as soon thereafter as may be for the holding of such election. Place of election

§ 11. The president and directors shall have power to make all by-laws and regulations that may be necessary for the transaction of business of the company, and to alter or amend the same, as may be necessary. By-laws.

§ 12. The eleventh section of an act entitled "An act to incorporate the Madison County Ferry Company," approved February 3d, 1840, be and the same is hereby repealed. So much of the act referred to in this section as may conflict or be inconsistent with this act be and the same is hereby repealed. 11th section repealed.

13. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to establish a Ferry therein named.

In force February 25, 1867.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin F. Flesher, his heirs and assigns, be and they are hereby authorized to establish a ferry, and keep and operate the same for the term of twenty years, from and after the passage of this act, across the Wabash river, sixty rods below Bowen's bluff, and about one and one-eighth miles above the town of Darwin, in Clark county, Illinois, to the opposite shore. Term.
Location.

§ 2. It shall be the duty of said Benjamin F. Flesher, his heirs and assigns, to keep on hand at all times, good and sufficient boats furnished with persons of suitable strength and skill to insure a safe and speedy passage at said ferry. Corporators' duties.

§ 3. It shall be lawful for the owners of said ferry, to demand and receive fees for ferriage at the following rates, viz: for four wheeled wagons or carriages with four horses, mules or oxen in one team, forty cents; for every four Rates of fees.

wheeled wagon or carriage with three horses, mules or oxen in one team, thirty cents; for every four wheeled wagon or carriage with two horses, mules or oxen, twenty-five cents; for every two wheeled wagon or carriage with one horse or mule, twenty cents; for every four wheeled wagon or carriage with one horse, twenty cents; for every man with a horse or mule, ten cents; for every led horse or horses in droves, five cents each; for all cattle, at the rate of five cents per head; for all sheep or hogs, five cents per head.

Exclusive pri-
vileges.

§ 4. The county court or board of supervisors of said county of Clark, shall not during the existence of this act, authorize the establishment of any new ferry within one-half mile of the ferry hereby established, unless the said Flesher, his heirs and assigns, shall fail to comply with the provisions of this act: *Provided*, that the county court or board of supervisors of said county, may alter and change the rates of toll herein allowed, whenever the public good requires such change.

Proviso.

Government.

§ 5. The ferry hereby granted, shall in all respects be governed by the law regulating ferries and toll bridges.

Acts approved
February 13th,
1857, and Feb'y
7, 1861, amend-
ed.

§ 6. That an act entitled "An act to amend an act entitled an 'act to establish a ferry therein named,' approved February 13, A. D. 1857," which act was approved February 7, 1861, be, and the same is hereby amended so as to strike out the words "two miles" where it occurs in section first of said act, and insert the words "one mile" leaving the whole of the sixteenth line of section three of the original act, the same as before the passage of the said amending act, approved February 7, A. D. 1861.

APPROVED February 25, 1867.

In force Feb'y 26, 1867. AN ACT to confirm the transfer of the Beardstown ferry, to regulate the license thereof and the rates of ferriage thereon.

Preamble.

WHEREAS, Nancy Beard, of Beardstown, Illinois, widow of Thomas Beard, late of the same place, has sold and transferred, to Luther A. Jones and Seth Thompson, also of Beardstown, Illinois, all her right and title in a ferry franchise, across the Illinois river at Beardstown, Illinois, now therefore,

Confirmation of
rights.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the said Luther A. Jones and Seth Thompson, of Beardstown, Illinois, their heirs and assigns, are hereby confirmed in the right transferred to them as aforesaid, and they and their heirs and assigns, are hereby authorized to establish and maintain for a period of twenty-five years from the date of

the passage of this act, a ferry across the Illinois river, opposite the city of Beardstown, in the county of Cass, at all the regular ferry landings in the county of Cass, and the county of Schuyler, and state of Illinois, also upon any land belonging to them or under their control, on either shore of said river, and also that during high water they may land at the town of Frederick, in Schuyler county, and no other ferry shall be established within three miles thereof.

§ 2. The amount to be paid by Messrs. Jones and Thompson, the proprietors of said ferry, or their heirs or assigns, to the city of Beardstown, from and after the first day of March, 1867, for license, shall be two hundred dollars per year, payable quarterly to the treasurer of said city. The city of Beardstown shall also have the right to regulate and control the rates of toll for crossing the said ferry. Compensation
for license.

§ 3. The said city of Beardstown shall have the right, at any time after the first day of March, 1875, to purchase the said ferry franchise, with all their rights, privileges and appurtenances, belonging thereto, and all the boats, tackle, etc., by paying to the proprietors thereof, the amount paid by Luther A. Jones or Jones and Thompson, to Nancy Beard, for the ferry franchise and a fair value for the said boats and tackle, in use on or about the said ferry at that time, such value to be ascertained by the appraisement of three disinterested persons, one of whom is to be chosen by the city, one by the proprietors of the ferry and one by these two. Rights of pur-
chase.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed. Conflicting acts
repeated.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 26, 1867.

AN ACT to incorporate the Cincinnati Ferry Company.

In force Feb'y
27, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That P. H. Davis, James Wallace, Charles I. Brewster, Amos Morey, J. W. Evans, Samuel Davis, Calvin Davis, Lewis Angle, John Spencer, W. F. White, M. D. Massee, James Blain, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate by the name and style of "The Cincinnati Ferry Company," for the term and period of twenty-five years; and by that name and style may sue and be sued, plead and be impleaded in all courts of law and equity; may have a common seal, and alter or change the same at pleasure; may contract and be Corporators.

Name and style e

contracted with, as natural persons; may receive, by gift, demise or purchase all necessary real or personal property, and hold or convey the same and such kind, value and quantity thereof, as in the opinion of the board of directors hereinafter established, to be settled by the by-laws of said corporation, may be deemed necessary to the successful operation and business of said company. Said company may make all needful by-laws, rules and regulations for the management of the same, and appoint all necessary agents and attorneys for the transaction of their business.

Directors.

§ 2. The said company shall be managed by five directors, who shall be elected by the stockholders of said company, each share entitling the owner to one vote. Said directors shall elect from their own number a president, and may appoint such other officers as they may deem necessary. The president shall hold his office for the term of one year, and until his successor shall be elected and qualified. Three of said directors shall form a quorum for the transaction of business.

President.

Election of directors.

§ 3. The first election of directors shall be held at such time and place as may be fixed by the commissioners hereinafter named, for opening books and receiving subscriptions to the capital stock of said company. Said commissioners shall give at least two weeks' notice of the time and place of holding said election, by posting up three of said notices in the town of Barry, and two in New Canton, in Pike county, and by publishing a similar notice thereof in some newspaper printed and published in said county. All subsequent elections after the first shall be held at such time and place as may be fixed by the by-laws of said company.

Capital stock.

§ 4. The capital stock of said company shall be five thousand dollars, which shall be considered personal property and be divided into shares of fifty dollars each. However said capital stock may be increased to any amount sufficient to provide said ferry with proper and necessary boats, equipments and hands for running the same in good order and condition for all the purposes named in this act; and said company is hereby authorized and empowered to borrow any sum of money not exceeding five thousand dollars at any rate of interest, not exceeding ten per centum per annum, for the purposes aforesaid, and to execute bonds or other writings, evidencing said indebtedness and binding upon said company.

May borrow money.

Subscription commissioners

§ 5. That M. D. Massee, J. W. Evans, James Wallace, W. F. White and Samuel Davis, or a majority of them, shall be commissioners for receiving subscriptions to the capital stock of said company, and shall require at least five per cent. upon the amount of subscriptions, to be paid down at the time of subscribing.

§ 6. The shares of capital stock in said company may be transferred by assignment, and any subscriber to the capital stock of said company shall not be responsible beyond the amount of stock by him subscribed; and said company shall have power to sue for and recover, in any court having jurisdiction of the same, any sum or sums of money, which may be subscribed in said ferry, whenever default shall be made by the person or persons so subscribing, in the payment of such stock or installments thereof, and no property shall be exempt from execution for the collection of such stock, anything in the law to the contrary notwithstanding.

§ 7. Said company are hereby authorized and empowered to establish and maintain a ferry across the Mississippi river at Cincinnati landing, on said river, or at some eligible point within three miles above said landing; and said company shall have the sole and exclusive right of ferriage across said river at said point, and within three miles above and below the same, and to land upon and run the same upon any land now owned, or that may be acquired hereafter by said company within said limits for the term of twenty-five years.

§ 8. Said company, their successors and assigns, shall cause their said ferry to be furnished with good and sufficient boats, worked by men, horses or steam power, having at all times hands of sufficient skill and power to manage the same, and ready to furnish a safe and speedy transportation of all passengers, teams, horses, cattle and other animals, and all goods, wares and merchandise, which may be brought or come for transportation across said river.

§ 9. Said company shall be and they are hereby authorized to charge and receive such rates of ferriage as may be allowed by the board of supervisors of Pike county, Illinois.

§ 10. The board of supervisors of Pike county shall have power to levy a yearly tax for said ferry privilege, not to exceed fifteen dollars, which said company may apply to the improvement of roads leading to said ferry, under the direction of the commissioners of highways of township five south, two west, in said county.

§ 11. This act to take effect and be in force from and after its passage.

APPROVED February 27, 1867.

in force Feb'y 28, 1867. AN ACT to establish a ferry across the Mississippi, now opposite the city of Alton, in the state of Illinois.

Period of.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Robert C. Berry, his heirs and assigns, shall have the right, within the limits hereinafter mentioned, for the term of thirty years, to establish, maintain and operate a ferry, from the city of Alton, in Madison county, Illinois, to the Missouri shore, in St. Charles county, Missouri, from any place on said Illinois shore, between the mouth of Hop Hollow and a point not exceeding five miles down the river therefrom.</p>
Location.	
Manner of conducting.	
Rates of ferriage.	
Sufficiency of hands.	<p>§ 2. The said Robert C. Berry, his heirs and assigns, shall at all times, during the term aforesaid, keep a good and substantial boat, to be propelled by horse or steam power, and shall on all days, from the rising of the sun till the going down thereof, transport across the river all persons, whether on foot or on horseback, wagons and teams and all kinds of stock and other property demanding to be crossed at said ferry, except when the river is in a condition that it can not be crossed with safety, and shall not delay at either shore a longer time than one hour, when persons are waiting to be crossed; and upon failure or neglect to comply with the aforesaid provisions, shall be liable for all damages incurred by reason of such neglect.</p> <p>§ 3. The said Robert C. Berry, his heirs and assigns, shall be allowed to charge and receive such rates of ferriage and no more, as shall be prescribed by the common council of the city of Alton, Illinois, and the county court of St. Charles county, Missouri, to be fixed once in each year by said authorities.</p> <p>§ 4. That the said Robert C. Berry, his heirs and assigns, shall keep a sufficient number of hands to manage said ferry with safety, and assist in facilitating the crossing said river and such small water crafts as be necessary for the same.</p> <p>§ 5. That should the boat or boats used in running the aforesaid ferry be sunk or otherwise rendered unfit for use, a reasonable time will be given for said proprietor to supply their place with other boats; and if from any cause, when said ferry can be run, the proprietor fails to keep up his ferry for the space of six months at any one time, his privileges under this act shall cease.</p> <p>§ 6. This act to take effect and be in force from and after its passage.</p>
Time given to supply new boats in case of loss, etc.	<p>APPROVED February 28, 1867.</p>

AN ACT authorizing Jonathan Simpson, of Henderson county, to establish and maintain a ferry across the Mississippi river, in Henderson county, Illinois. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jonathan Simpson, of Henderson county, his heirs, executors, administrators and assigns, be and they are hereby authorized to establish, keep and maintain a ferry across the Mississippi river, for and during the term of ten (10) years, from the passage of this act, from the point where the old state road leading from Peoria, Illinois, to Burlington, Iowa, terminates, on the eastern bank of the Mississippi river, in the county of Henderson, at a place known as East Burlington, Illinois, to the city of Burlington, Iowa, with privileges to said Simpson, his heirs and assigns, of landing their boats at the western terminus of the said state road, from Peoria to Burlington. Authority.

Term of.

Location of.

§ 2. That the said Jonathan Simpson, his heirs and assigns, shall from and after the first day of July, A. D., 1867, keep at all times a good and sufficient ferry boat with such other boats as may be necessary for the speedy and safe transportation of passengers, teams, horses, cattle and other animals as well as the goods and effects belonging to passengers and shall furnish said boats, with men with suitable skill to manage them, and shall be allowed to receive such rates of ferrriage as is now allowed by the county court of Henderson county, which rates may be changed by said court. Time of.
Objects and purposes.

Rates of ferrriage.

§ 3. The said Jonathan Simpson, his heirs or assigns, will pay into the treasury of said county of Henderson, such amount of tax as may be imposed upon said ferry by the county court of said county, not exceeding the sum of fifty dollars (\$50) per annum, and the management and regulation of said ferry shall be governed by the "Act to establish ferries and toll bridges," approved March 3, A. D., 1845. Taxes.

§ 4. That in case of failure by the said Jonathan Simpson, his heirs, and assigns to pay the said tax so assessed, by the county court as aforesaid, the said court may sue for and recover the same in an action of debt, before any court of competent jurisdiction, in said Henderson county. Penalties.

§ 5. Be it further enacted that the said Jonathan Simpson, his heirs and assigns, shall have the privilege of landing said boat or boats, at the town of Shokakon, in said county and for one mile above and below the same, and also shall have the privilege of landing said boat or boats at any point within one mile of said termination of said old Peoria and Burlington state road at or near said east Burlington, where said Simpson or assigns now owns or may hereafter own the land upon the bank of said Mississippi river, and that no license shall be granted hereafter to any person Privileges.

or persons or body corporate, during said term of ten years, to keep or run a ferry or land at said points named within this act or within two miles of the same.

Benefits, etc.

§ 6. The said Jonathan Simpson shall be entitled to the benefits of the forty second chapter of the Revised Statutes, in regard to ferries, toll and bridges, and should any person or persons, or body corporate, hereafter license or without license, run and land a ferry, within the points named in this act, they shall be subject to and incur the penalties and forfeitures given in said 42d chapter, which may be recovered by said Simpson or his assigns, as therein prescribed.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force March 5, 1867. AN ACT to authorize Albert High to keep a ferry at the town of Santa Fe, in the county of Alexander, State of Illinois.

SECTION 1. *Be it enacted by the General Assembly of the State of Illinois, as follows:* That Albert High is hereby authorized and permitted to keep a ferry across the Mississippi river at Santa Fe, Alexander county, Illinois, for the term of ten years from the first of April, A. D., 1867.

Term of.

Exclusive privileges.

§ 2. That it shall not be lawful for any person or persons to keep any boat or skiff or other water craft within one mile of the aforesaid town of Santa Fe, either above or below said town, for the purpose of crossing either persons or property for pay.

Infringement.

§ 3. All persons so offending shall pay a fine of not less than five dollars for each offence to be collected before any justice of the peace, one-half of said fine to go to the complainant or informant, the other half of said fine to go to the support of the common schools in said county of Alexander.

Obligations and penalties.

§ 4. The said Albert High binds himself and by this act is bound to keep sufficient and safe boats or water craft for the crossing of passengers and property, and a failure to do so forfeits his right to the privileges herein granted.

§ 5. This act to take effect and be in force from and after the 1st day of April, A. D., 1867.

APPROVED March 5, 1867.

AN ACT to amend an act entitled "An act to establish a board of fire engineers, and to re-organize the fire department in the city of Quincy, Illinois." force Feb'y 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the act "to establish a board of fire engineers, and to re-organize the fire department of the city of Quincy, Illinois," approved February 16th, 1865, comprised within section eight of said act be and the same is hereby repealed, and that the city council of the city of Quincy shall hereafter annually cause to be appropriated, out of any moneys that may be paid into the city treasury, the sum of six thousand dollars, for the use and support of the fire department of said city, which said appropriation shall be made at the regular meeting of the said city council in the month of May, succeeding the passage of this act, and annually thereafter, and the amount thereof placed in the hands of the city treasurer subject to the order of the board of fire engineers of said city of Quincy, and shall be applied by them to the maintenance and support of the Quincy fire department, and for no other purpose whatever.

Part of section 8 of act approved Feb'y 16, 1865, repealed.

§ 2. To assist the city council in making the appropriation required in the preceding section, they shall have power to levy and collect from each and every fire insurance company and from each and every fire insurance agent or agents, for each and every company represented by him or them, and doing business in said city, an annual sum for license, not exceeding twenty-five dollars for each and every company so represented or doing business in said city; and said city council is further empowered to levy and collect annually upon the gross receipts of all fire insurance companies located in said city, for cash premiums upon insurance effected in said city, a tax of two and one-half per cent., and upon the gross receipts for cash premiums upon insurance effected in said city by any agent or agents representing fire insurance companies not located in said city but doing business therein, a tax of five per cent. per annum, and the said city council may require the secretary of each and every fire insurance company located in said city, and the agent or agents of each and every fire insurance company, not located in said city, but doing business therein, to file annually, at such time as the council may, by ordinance direct, at the office of the city clerk of said city a sworn statement of such gross receipts, upon which said tax shall be levied.

Assessments on insurance companies, etc.

§ 3. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb'y 25, 1867. AN ACT to amend an act entitled "An act to incorporate the Arab Fire Company, of Cairo, Illinois."

Indebtedness. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the "Arab Fire Company," of Cairo, Illinois, be and the same is hereby authorized to issue bonds for the purpose of raising money to build an engine house and halls; said bonds to be issued in such sums, of not less than twenty-five dollars or more than one thousand dollars each, as said company may direct, and to bear interest not exceeding ten per cent. per annum.

Liens. § 2. That said bonds shall be a lien on all the real estate of said fire company until fully paid off; and the real estate of said company can not be sold or conveyed by said company after the issue of said bonds, so as to defeat the lien hereby intended to be created, or to defeat the payment of all such bonds, with all interest that may accrue to the same.

Bonds. § 3. That the bonds hereby authorized to be issued shall not exceed the sum of thirty thousand dollars, in the aggregate, nor shall they run for a longer period than twenty years.

Manner of issuing bonds. § 4. That said bonds, when issued, shall be issued by order of said fire company, made at a regular meeting thereof, and shall be signed by the president and attested by the secretary of said company, and it shall be the duty of the treasurer of the company to keep a full and complete record of all such bonds, by date, number and amount, and on payment of the same shall cancel and file said bonds in his office.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force March 7, 1867. AN ACT to incorporate the Rough and Ready Fire Company, of Cairo, Illinois.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That B. M. Munn, Fredoline Bross, William Beerwort, John Scheele, Joseph B. Taylor, Ferdinand Amon, Henry Sigfried, Charles Elele, John Harst, Charles Frank, Henry F. Goodpoor, Joseph Helen, sr., August Bieland, James Kinnear, John Maxey, Philip Schmitt, R. G. Jameson, Andrew Dentinger, Michael Rugaler, John Ritter, John Schmitt,

Martin Strawhal, Hiram Walker, Peter Zimmerman, James S. Swayne, Niles Swayne, Peter Els, William Seifried, John Sackberger, Adam Neff, August Viernen, Joseph Farquar, John Royaker, Christian Orth, Peter Kuhn, sr., J. G. Steinhouse, Joseph Lehons, Charles Mehner, Joseph M. Vierman, James Axley, Charles Feichter, F. M. Stockfield, Henry Brown, John Koag, Fred. Sheeler, George G. Smith, Frank Swoboda, Philip Howard, Louis Blatlian, Joseph Steagler, Alexander Wittig, August Hermann, and John Goetgen, and their associates and successors, and all such persons who shall become members of said company, shall be and are hereby declared to be a body politic and corporate, by the name and style of the "Rough and Ready Fire Company;" said corporation shall be located in the city of Cairo, Illinois, and shall continue in existence until the 31st of December, in the year A. D. 1900; and shall have power to use a common seal, (and alter the same at pleasure); and in said name may sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute and defend, in all courts and places, in all manner of suits, causes and actions whatever, either in law or equity.

Name and style

Term.

Powers.

§ 2. The present officers of said company shall hold their offices and perform the duties required of them by the by-laws of said company, until the first Monday in the month of May, A. D. 1867, at which time the members of said company shall proceed, under the provisions of this act, to elect a president, vice president, secretary, treasurer and board of directors, consisting of five members of said company, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and all such other officers, servants and agents as may be necessary to carry out the object of the corporation hereby created, may be elected or appointed, in such manner as shall be provided by the by-laws of said company.

Officers.

§ 3. The said corporation shall have power to acquire, by gift, grant, devise or purchase, and to hold and convey all such real estate and personal property as they may deem necessary, for the erection of engine houses, fireman's hall and other buildings necessary for the keeping of the apparatus and transaction of the business of said corporation; and shall also have power to purchase, hold, sell and dispose of, when expedient and necessary, such fire engines, hose, hose carriages, reels, hooks, ladders, buckets and other fire apparatus, as may be deemed proper for the use and benefit of said company in the extinguishing or preventing of fires within said city.

Possession of property.

§ 4. All contracts, agreements, deeds, mortgages and other instruments of writing made by said company to, with or for any person or persons, company or corporation shall be signed by the president and secretary of said com-

Execution of papers.

pany (with its seal thereto attached) or by such person or persons as may be duly authorized by the by-laws or by resolution of said company.

Property ex-
empt from tax-
ation.

§ 5. All such property, real or personal, as shall be owned, held or used by said corporation and shall be necessary for engine rooms, meeting hall and all the fire engines and other fire apparatus owned, held or used by said corporation exclusively for the business of said company shall be exempt from taxation of every kind so long as the same shall be owned, held or used by the said corporation for the uses and purposes incident to a fire company, and the said corporation shall continue to be an acting fire company in said city.

Exemption
from militia
duty, etc.

§ 6. The incorporators of this act, and their successors, and all such persons who shall become members of said company, shall, during the time they may continue acting members thereof, (and be in good standing) be exempt from militia duty in time of peace, road and street labor, and from paying a tax in lien thereof, and from serving on juries.

By-laws, etc.

§ 7. The said corporation shall have power to regulate by by-laws the qualifications of its members, the mode of electing the same and the amount of initiation fees, monthly dues, the powers and duties of its officers, and to provide by by-laws, fines and penalties for non-attendance at meetings or fires, or for neglect of other duties required of them by the said by-laws, which fines and penalties may be recovered by suit as other debts; and to provide by by-laws for the expulsion of members for the non-payment of dues, fines, violations of by-laws, and other officers, and the said corporation shall have power to provide by by-laws, or otherwise, as to how and for what purpose the said moneys shall be kept and used, and may invest any surplus funds which they may have in bonds, stocks, or loan the same out, and generally to make, pass and adopt such rules and by-laws as may be necessary for the good government and welfare of said company: *Provided*, that such rules and by-laws shall not conflict with the laws of this state: *And, further provided*, that no fine or penalty imposed by by-laws or otherwise shall exceed the sum of one dollar.

Right to dis-
band, etc.

§ 8. Said corporation shall at any time have the right to disband and cease to exercise its functions contemplated by this act by a vote of a majority of its members entitled to vote in favor of the same, and may also dispose of all the property of said corporation in such a manner as said majority shall agree upon.

Construction of
act.

§ 9. This act shall be deemed a public act, and shall as such be liberally construed, and shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Union Fire Company, No. 1, of Jacksonville. In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That James H. Dayton, William Harrison, Richard M. Gregory, Oscar Teff, Henry McDonnell, Joseph Mitchell, James M. Mitchell, Robert H. Catherwood, Burton Brown, Isaac S. Surer, Jacob Rife, and their associates and successors, shall be and are hereby declared to be a body politic and incorporate, by the name and style of "The Union Fire Company No. 1," of the city of Jacksonville, and in that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in law and equity in all courts of justice whatsoever; to contract and be contracted with; to have, hold and enjoy, by gift, devise or grant, purchase or otherwise, real and personal estate not to exceed at any time the value of forty thousand dollars (\$40,000), and again to sell the same at pleasure; to have and use a common seal, and alter the same at pleasure.

§ 2. The object of this company shall be the extinguishment of fires in the city of Jacksonville. Objects.

§ 3. The said company shall have power to make and adopt such constitution and by-laws, for the government and maintenance of said company, as they may from time to time consider fit and proper, not inconsistent with the laws of this state and the United States, and again to repeal and alter the same, which constitution and by-laws, when made and adopted shall be binding upon the members of the company, and may be enforced against them either by suit in the name of the company, or by forfeiture of membership, or by both. By-laws.

§ 4. The constitution and by-laws of the said company shall be entered by an officer of the company in a book kept for that purpose, which said book shall be *prima facie* evidence of the matter therein contained in all courts of justice. Evidence of by-laws.

§ 5. The members of this company shall, during their term of service, be exempt from serving on juries and in the militia, and shall be exempt from working out or paying road, street or poll tax, and every member who shall have faithfully served as such for five years, shall be thereafter exempt from serving on juries in all courts of this state, or in the militia, except in cases of insurrection or invasion, and the evidence to entitle such person to such exemption shall be a certificate issued under the seal of said company, and signed by the president and secretary. Militia exemption.

§ 6. All contracts, agreements, or orders on the treasurer of said company, deeds, mortgages or writings made by said company to, with or for any person or persons, company or corporation, shall be signed by the president of the Signing of contracts, etc.

company, or in case of his absence or refusal to act, by the vice president, and countersigned by the secretary, with the seal of the company attached.

Term of office.

§ 7. The present officers of said company shall hold their offices, and perform the duties required of them by the by-laws of said company, until the first Monday in March, A. D. 1867, at which time the members of said company shall meet and proceed to organize under the provisions of this act, by the election of a president, [vice president,] secretary and treasurer, and such other officers, servants or agents as may be necessary to carry out the objects of said company may be elected or appointed in such manner as may be provided by the by-laws of said company.

Disposition of property, etc., in case of disbanding company.

§ 8. If the said company shall at any time disband and cease to exercise its functions, as contemplated by this act, then and in that event the title of all property, real or personal, or mixed, owned by said company, shall go to the widows and orphans of deceased members of said "Union Fire Company No. 1."

§ 9. This act is to take effect and be in force from and after its passage.

APPROVED February 22, 1867.

In force March 9, 1867.

AN ACT to incorporate the Red Rover Hook and Ladder Company No. 2, of the city of Springfield, Illinois.

Preamble.

WHEREAS, it has been represented to the general assembly, that an association called "The Red Rover Hook and Ladder Company No. 2, of the city of Springfield," has been formed and organized by regulations and by-laws, for the sole purpose of rendering themselves more efficient in protecting the property of the citizens from destruction by fire; and whereas, for the more perfect organization of said association or company, they should be invested with certain corporate powers and enjoy certain immunities and privileges; now therefore in order to encourage so praiseworthy and useful an institution, and give strength, permanency and dignity to the same, therefore,

Corporators.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Fawcett, Thomas F. Kelly, Robert Irwin, P. Mulquin, P. H. McLean and George Garton, their associates and successors be, and they are hereby ordained, constituted and declared to be a body corporate and politic, by the name and style of "Red Rover Hook and Ladder Company, Number Two, of the City of Springfield," and by that name they may have continual succession, and shall be ca-

pable of suing and being sued, plead, being impleaded, answering and being answered unto, defending and defended in all courts and places whatever. That they and their successors may have a common [seal] and may change, alter or break the same at their pleasure, and that they and their successors shall be in law capable of holding, purchasing and conveying any estate, real, personal or mixed for the use of said corporation, and shall hold and enjoy in their corporate capacity all the property, real, personal and mixed which the said company now have or hereafter may acquire: *Provided*, the said company shall not hold any real estate except such as may be necessary for the use of said company. Proviso.

§ 2. The said corporation shall have power to make a constitution and by-laws for the government of the same, and to alter, or amend the same at pleasure: *Provided*, that nothing in them contained, shall be repugnant to the laws of the land. Constitution and by-laws.

§ 3. The said corporation shall consist of not more than one hundred and twenty (120) active members, and as many honorary members as they by their by-laws may regulate, not exceeding fifty, which members shall make such contributions for the support of the corporation as they from time to time may regulate in their by-laws, but no person shall enjoy the privileges of an honorary member unless he contributes at least five dollars per annum, to the support of said corporation. Members—contributions, etc.

§ 4. All the active and efficient members of said corporation shall be, and they are hereby exempted from the performance of military duty, and services upon juries, during their continuance as members of said corporation. Militia exemption.

§ 5. In order to create a fund for the purchase of a hook and ladder truck, and other apparatus for the use of said corporation, they shall have power by their by-laws to regulate as they may deem expedient, to levy a contribution upon the members, impose fines for non-attendance and other derelictions of duty, and enforce the payment of the same. Fines, etc.

§ 6. The said corporation, shall have power by their by-laws to regulate as they deem expedient, the election of all officers, and impose fines [for] malfeasance or non-feasance in office and collect the same. Election of officers.

§ 7. It shall be the duty of said corporation to keep always in good repair and ready for use upon a sudden warning, and in a convenient place at least one good hook and ladder truck, and all necessary apparatus, and with the same to attend all fires in the city of Springfield as speedily as practicable after notice of the same, and to aid and assist in the extinguishing of the flames, and do and perform all other duties usual to fire companies. Duties of corporation.

- Period of duty. § 8. No member of said company shall be compelled to do duty in it for a longer period than five years, when [he] shall be entitled to receive from the foreman and secretary under the seal of the company, a certificate that he has served as a fireman during the period of five years.
- Militia, jury and tax exemptions § 9. No person having received such certificate shall be compelled to do duty in the militia, pay street tax, or sit on any jury within the State.
- Record of certificates. § 10. The secretary shall keep a true record of all certificates granted to members under this section, and the certificates authorized to be issued by the foreman and secretary of the corporation, created by it shall be received as evidence in all courts of this state, courts martial included.
- Continuation of corporation. § 11. The corporation hereby created shall continue so long as it shall faithfully and beneficially fulfill the objects and intentions of its creation. But the general assembly, whenever satisfied that it has failed to accomplish the objects for which it was created, or has violated this charter, may alter, or repeal the same.
- § 12. This act to take effect and be in force from and after its passage.
- APPROVED March 9, 1867.

In force Feb'y
21, 1867.

AN ACT to incorporate the Fine Art College of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Hiram T. Merrill and Benjamin F. Downing, their associates, successors and assigns, for the purpose of promoting the cultivation of the fine arts, in the city of Chicago or elsewhere in the state of Illinois, be and they are hereby constituted a body politic and corporate under the name and style of* "Fine Art College" *and henceforth shall be styled and known by that name; shall have sole right to use that name and style, and by that name and style to remain in perpetual succession, with full power to sue and be sued to plead and be impleaded; to issue stock and scholarships and collect tuitions; to acquire hold and convey property real and personal or mixed, in all lawful ways; to take in law and equity, property, real and personal by grant, bequest, will, devise, donation, gift, bargain and sale, or conveyance, for endowments or other uses: Provided, that the property real, shall not exceed two thousand acres, held in fee simple, at any one time; to lease property and collect moneys; to borrow money, and invest surplus means, on bond and mortgage, or note of hand: Provided, that nothing in this act shall be construed as a banking privilege; to ap-*

point and remove officers, professors, and committees; to confer academic and honorary degrees; to have and use a common seal and alter the same at pleasure; to make and alter from time to time such by-laws as may be deemed necessary for the government of said institution its officers and servants: *Provided*, that said by-laws, are not inconsistent with the constitution and laws of Illinois, and the United States; and to do and perform any and all things whatever, that may be deemed proper and right, for the uses of said institution.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to incorporate the Northwestern Art and Photograph Company. In force February 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Samuel M. Fassett, C. M. Henderson and C. B. Nelson, and their associates, are hereby constituted a body corporate and politic, by the name and style of the "Northwestern Art and Photograph Company," and as such corporation shall have perpetual succession, may sue and be sued, make contracts; have a common seal; make by-laws and rules for the government of its business, property and officers, and enjoy all the privileges, powers and immunities, and be subject to all the liabilities of bodies corporate and politic. Name and style.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be deemed personal property, and transferable as such in the manner and under the restrictions provided by the by-laws. Each share of stock shall entitle the holder thereof to one vote at the election of directors, and the said company may by its by-laws, impose penalties upon its stockholders or forfeitures of their shares, for a failure to pay the installments that shall become due on the same, and the penalties so imposed, may be recovered in the name of the company, in an action of debt in the name of the company, in any court of competent jurisdiction. Capital stock.

§ 3. On the day fixed by the by-laws, there shall be an annual meeting of the stockholders, for the purpose of electing three directors, who shall hold their office for one year, and until their successors are chosen and qualified. The said board of directors shall have the management of the business and affairs of said company, and they shall elect from their number a president, secretary and treas- Annual meeting

urer, or may combine two of these offices in one person, which said officers, shall perform such duties as shall be required of them by the by-laws or the board, and the board may require indemnity from the officers for the faithful discharge of their duties and to properly account for all moneys when called upon by the board or the company, and other officers and agents may be appointed by the board.

Authority.

§ 4. The said company are hereby authorized to erect, lease, purchase, occupy and maintain and operate an art or photograph gallery, in the city of Chicago, Illinois, and engage in the business of photographing, portrait or landscape painting, in all its branches, and may manufacture, purchase and trade in pictures, picture frames, photograph goods, chemicals, albums, engravings and other articles incident to the fine arts, and may charge and collect such rates or prices for the pictures or other articles manufactured and sold by them, as they shall agree with the purchasers, or what the same shall be reasonably worth; and may establish branch galleries and agencies at one or more points, as they shall determine, and own and occupy so much real estate as they shall deem necessary in and about their said business, and may sell or exchange the same.

Time of enjoyment of privileges.

§ 5. When twenty-five thousand dollars of the capital stock shall have been subscribed, and fifty per cent. of such subscription shall have been paid in, the said company may enjoy all the privileges herein granted.

This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 21, 1867.

In force Feb'y
28, 1867.

AN ACT to incorporate the American Art Association.

Name.

Powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Mary J. Green, George P. A. Healy, of the city of Chicago, and Albert Bierstadt, of the city of New York, and their associates and successors are hereby constituted a body corporate and politic, by the name of "The American Art Association," and by that name and style, to have perpetual succession, with power to contract and be contracted with, sue and be sued, in all court and places; to have a common seal, and alter and renew the same at pleasure; to purchase, hold and convey real and personal property, for the purposes and uses of the said corporation, as hereinafter stated, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to*

carry into effect the purpose and objects of this act, as herein set forth.

§ 2. The object and purpose of this corporation is for Objects.
the promotion and cultivation of a taste for and the knowledge of the fine arts, and the encouragement of artists and the promotion of their works, and the exhibition of such works to the public.

§ 3. Said corporation shall have the power to take, hold Possession of
and convey, such real estate, and also to build, erect, purchase, hire, rent, lease, and occupy such rooms, halls or tenements, as may be necessary for the purposes of such corporation, and also to purchase, hold, keep, exhibit or sell as hereinafter provided, any and all pictures, paintings and other works and productions of art, and for and upon such sales and exhibitions to receive the price and value thereof, subject to such by-laws and rules as may be adopted by the board of directors hereinafter provided for. real-estate, etc

§ 4. The capital stock of this corporation shall consist Capital stock.
of one hundred thousand dollars, with the right to increase the same to any amount necessary for the uses and purposes of the said corporation as herein provided, and shall be divided into shares of one hundred dollars each, and the said corporation may organize and elect a board of directors and other officers, as soon as the sum of ten thousand dollars is subscribed towards the said capital stock, and the said Mary J. Green, George P. A. Healy and Albert Bierstadt or any two of them are hereby authorized at any time to open books and receive subscriptions towards the said capital stock, and issue certificates therefor, and when the sum of ten thousand dollars shall have been subscribed, an election may be held among the persons so subscribing, for the said board of directors, and at which and all subsequent elections, the said stockholders shall each be entitled to cast one vote for each share of the stock held by such stockholder. The records and proceedings of the said election, first to be held by virtue of the provisions of this act, shall be kept and certified in the books and records of said corporation by the corporate members above named, or any two of them.

§ 5. The board of directors so to be chosen shall consist Directors.
of five members and shall have the entire control and management of the affairs of said corporation, and shall serve for one year and until their successors are elected. They shall keep and preserve a record of their proceedings and of the accounts, finances, property and business of the said corporation, which shall at all times be open to the inspection of the stockholders.

§ 6. The officers of said corporation shall consist of a Officers.
president, secretary and treasurer, who shall be chosen by the board of directors from among their number, and whose duties shall be prescribed by the said board.

Shares of stock. § 7. The shares in the capital stock of said corporation, shall be and are declared personal property, and shall be assignable and transferable on the books of said corporation.

Assessments. § 8. The said shareholders shall have power from time to time, by a two-thirds vote, voting by shares, to levy assessments upon the shares held by the several shareholders, for the purpose of raising moneys to be expended for the purposes of the corporation, until the full amount of the capital stock shall have been paid up, and a failure or refusal to pay any such assessment, shall work a forfeiture of the shares so remaining delinquent, after due notice to the holders of such shares, the length of said notice and the manner of declaring such forfeiture, to be first provided by the said board of directors.

Indebtedness. § 9. The said corporation shall have power to borrow money, and to execute and issue bonds and other obligations for the payment of money and to secure the same by mortgage or deed of trust of the estate and property of said corporation so far as the same may be necessary for the uses and purposes of said corporation as herein provided.

Earnings and profits—division of. § 10. The earnings and profits of the said corporation shall be annually divided among the shareholders, unless by a two-thirds vote of the holders of such shares, voting by shares, the same shall be directed to be employed and invested in property of the corporation, for the uses and purposes thereof as herein before provided.

§ 11. This act shall take effect from and after its passage.
APPROVED February 28, 1867.

In force Feb'y 23, 1867. AN ACT to incorporate Oriental Lodge, No. 33, of Free and Accepted Masons.

Name. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as are or may hereafter become and remain members of "Oriental Lodge, No. 33 of Free and Accepted Masons," from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic by the name of Oriental Lodge No. 33, of Free and Accepted Masons, and by that name they and their successors shall have succession, and shall in law, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of law and equity whatsoever, and by that name and style be capable of purchasing and receiving by gift or otherwise, and of holding and conveying real estate for the benefit of said lodge: *Provided*, that said

Powers.

corporation shall not at any one time hold real estate to an amount exceeding twenty thousand dollars in value.

§ 2. For the purpose of carrying into effect the objects Purposes. of this act, the members of said incorporation shall have the power and they are hereby authorized to elect or appoint, out of their number, three trustees who shall hold their office for such time as said corporation shall by its rules or by-laws designate.

§ 3. Said corporation shall have power to make such By-laws, etc. by-laws, rules and regulations as may be deemed necessary for the government of their concerns, and for the purchase, leasing and transfer of real estate, not inconsistent with the constitution or laws of this state.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

[AN ACT] to incorporate Carson Consistory of Free Masons.

In force Feb'y
20, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Har- Corporators. man G. Reynolds, sovereign commander of Carson Consistory, princes of the royal secret, George F. Wright, master of Lavelly chapter of Rose Croix, H. R. D. M. Orlin H. Miner, grand master of Van Rensselaer council of princes of Jerusalem, William Lavelly, grand master of H. A. Johnson grand lodge of perfection, situated in Springfield, Illinois, and their successors in office, together with the members of said Carson Consistory, shall be and are hereby declared to be a body politic and corporate, by the name, style and description of "Carson Consistory of Free Masons." Style of corporation.

§ 2. The said consistory shall have exclusive jurisdiction Jurisdiction. over all the degrees of the ancient and accepted Scottish rite, and over all grand lodges of perfection, councils of princes of Jerusalem, and chapters of Rose Croix, H. R. D. M., in the counties of Hancock, McDonough, Fulton, Mason, Logan, De Witt, Champaign, Vermilion and all the counties south of them, in the state of Illinois; and by the name and style aforesaid may sue and be sued, plead Powers. and be impleaded, prosecute and defend in all manner of actions at law or in equity, in all places where legal or equitable proceedings are had. The said corporation shall have power to make such constitution, by-laws, rules and regu- By-laws. lations for its own government and the management of its concerns, as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided*, that such constitu-

tion, by-laws, rules and regulations, shall not conflict with the constitution or laws of this state or of the United States.

Legal rights.

§ 3. The said corporation by the name and style aforesaid shall be capable in law of purchasing, holding and conveying real and personal estate for the benefit of said corporation, and to make such contracts, and perform such acts and business as may seem necessary in the care and management of said personal and real estate.

§ 4. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 20, 1867.

In force Feb'y
18, 1867.

AN ACT to incorporate the Shabbona Masonic Stock Company.

Name and style.

Powers.

Proviso.

Objects.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Aaron S. Jackson, William Marks, jr. H. E. Allen, P. V. Quilhot, M. V. Allen, G. M. Alexander and Julius Horton, with all such other persons as are, or may become stockholders of the company hereinafter named, and their successors, shall be, and are hereby constituted a body politic and corporate by the name and style of "The Shabbona Masonic Stock Company," and by that name and style they and their associates and successors are hereby made as capable as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity, and make and use a common seal, and to alter the same at pleasure; to acquire by purchase, or otherwise any and all real and personal property or estate that may be necessary to accomplish the objects of said company, and also to convey the same, and all such other property as may now be held in trust for the members thereof; to adopt a constitution and by-laws for their government, the appointment, number and duties of the officers, the transfer of stock, the manner of making loans and taking security therefor, and the manner of conveying and holding property: *Provided*, that the same be not inconsistent with the constitution and laws of this state and of the United States.

§ 2. The objects of this company shall be to accumulate a fund from the stockholders, and otherwise, with which to purchase a lot and to erect thereon a building for the more convenient, and better accommodation of the several meetings of the Shabbona Lodge No. 374, Ancient, Free and Accepted Masons.

§ 3. The capital stock of the company shall consist of a sum not exceeding ten thousand dollars, in shares of twenty-five dollars each, of which no person shall hold or own more than twenty shares at the same time. Capital stock.

§ 4. The officers of this association shall consist of twelve trustees, and from among the number shall be chosen one president, one vice president, one treasurer, and one secretary, who shall be elected by ballot and hold their office for one year, and until their successors are elected and qualified. Officers.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1867.

AN ACT to incorporate the Grand Commandery of Knights Templar and appendant orders of the State of Illinois. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the grand commander, deputy grand commander, grand generalissimo, grand captain general, grand treasurer and grand recorder of the grand commandery of Knights Templar of the state of Illinois, together with the past commanders, commanders generalissimo, and captain generals of the several chartered commanderies subordinate to said grand commandery, while holding said offices, shall be and the same are hereby declared to be a body politic and corporate, by the name, style and description of "The Grand Commandery of Knights Templar of the State of Illinois." Corporators.

§ 2. The said corporation by the name and style aforesaid shall have full power to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law or in equity, in all places where legal or equitable proceedings are had. The said corporation shall have power to make such constitution, by-laws, rules and regulations, for its own government and the management of its concerns and government of its subordinates, as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided*, that such constitution, by-laws, rules and regulations shall not conflict with the constitution and laws of this state and of the United States. Powers.

§ 3. The said corporation by the name and style aforesaid, shall be capable in law of purchasing, holding and conveying real and personal estate, for the benefit of said corporation: *Provided*, that said corporation shall not at any one time hold personal or mixed property to an amount ex- Purchasing and conveying.

ceeding one hundred thousand dollars, nor real estate to an amount exceeding two thousand acres of land.

Loan money. § 4. That said corporation shall have power to loan money belonging to the same, and take promissory notes or other evidences of debt for money so loaned or any property sold, which may be recovered in their corporate name aforesaid, in all courts or places where judicial proceedings are had.

Borrow money. § 5. The said corporation is also authorized to borrow money in sums not exceeding one thousand dollars at any one time, and at a rate of interest not exceeding ten per cent. per annum.

Agents, officers, etc. § 6. In the management of its business concerns, said corporation is hereby authorized to appoint such agents, officers and attorneys for that purpose, as from time to time may be deemed proper.

Subordinate commandery; body politic and corporate. § 7. Each subordinate commandery, under the jurisdiction of the aforesaid grand commandery now in existence, or which may hereafter be chartered by the same, is hereby also declared to be a body politic and corporate, by and under the name, style and number set forth in their respective charters and by such designation, they may respectively sue and be sued, plead and be impleaded, prosecute and defend against all suits arising in law or chancery, in all the courts of this state. The said subordinate commanderies respectively, shall be capable in law of purchasing, holding or receiving, by purchase, gift or otherwise, and of selling and conveying real and personal estate for the benefit of said subordinate commanderies respectively.

Applicable provisions. § 8. So far as applicable, the provisions of sections four, five and six of this act shall be applicable to each of said subordinate commanderies.

Existence of commandery. § 9. In case any subordinate commandery shall cease to exist, all its property, records and franchises shall vest in the grand commandery aforesaid.

Construction of act. § 10. This act shall be held and deemed a public act and shall be liberally construed by all courts, for the benefit of said corporation.

§ 11. This act to be in force from and after its passage.
APPROVED March 7, 1867.

In force Feb'y
21, 1867.

AN ACT to incorporate the Chicago Freight Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William Sprague, Francis S. Howe, Charles H. Hapgood, and their associates and successors and assigns, and all such persons*

as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of the "Chicago Freight Company;" and shall have, exercise and enjoy all the powers usually appertaining to corporations and necessary to carry out and execute the business of a freight transfer company, at the city of Chicago.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and be subscribed and paid for in the manner which may be prescribed by the by-laws to be adopted by said company.

§ 3. A majority of the corporators herein named may proceed to open books for subscription to the capital stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said company, and such directors shall have power to frame a body of by-laws for the government and management of said company.

§ 4. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT in relation to certain fines and penalties in Cook county.

In force Feb'y
23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all fines and penalties that may be imposed by any court or magistrate in the county of Cook, and which by the laws of this state, become a part of the school fund of said county, and all fines imposed by any magistrate or court for contempt in said county shall hereafter be paid by the officer receiving the same to the treasurer of the Chicago law institute, one-half thereof to be held by him for the institute, and the other half to be paid over by him to the county superintendent of schools of said county, for school purposes, to be applied by such superintendent in the manner now provided by law for the disposition of fines and penalties receivable for school purposes. All such fines and penalties shall be payable to such treasurer on the first Mondays in January, April, July and October in each year.

Manner of pay-
ment—applica-
tion—when
payable.

§ 2. The treasurer of said law institute shall, upon entering on the duties of his office, execute a bond in the penal sum of one thousand dollars, with one or more sureties, to be approved by one of the judges of the supreme court of Chicago, payable to the county superintendent of

Treasurer's
bond.

schools in Cook county, and his successors in office, for school purposes, conditioned that he will faithfully account for and pay over to him all moneys which he may be entitled to receive for school purposes under and by virtue of the provisions of this act.

Fines, etc.

§ 3. Every justice of the peace or other magistrate in the county of Cook shall enter upon his docket the title of every cause or matter in which he may impose any fine or penalty, with a statement of the offence or cause of action, the amount of fine and date of judgment and payment thereof, which docket shall be kept open at all times for public inspection; and every justice of the peace, magistrate or other officer who may receive any such fine or penalty shall, on the first Monday in January, April, July and October in each year, make a report in writing to the treasurer of said institute, showing the amount of all fines and penalties received, together with the title and nature of the cause, the date of the judgment and collection thereof; and he shall, under his hand and seal, certify the same to be true and correct. Any justice of the peace, magistrate or other officer who shall neglect or fail to make the entries in his docket required by this act, and every justice of the peace, magistrate or other officer who shall neglect or fail to make the report required by this section, or who shall make a false report, or who shall neglect or fail to pay over to said treasurer the amount of the fines and penalties received by him at the time or times herein required, shall be deemed guilty of a misdemeanor and may be indicted, and, upon conviction, shall be punished by a fine of not less than fifty nor more than five hundred dollars. And the said Chicago law institute may also have and maintain an action of debt, in any court of competent jurisdiction, against any justice of the peace, magistrate or other officer, to recover the amount of all fines and penalties received by him, and, in addition thereto, the sum of five dollars for each and every day such justice of the peace, magistrate or other officer shall neglect to make the report herein required, or to pay over the amount of such fines or penalties.

§ 4. All fines, penalties and judgments recovered by virtue of the provisions of this act, for a violation of the same, shall be docketed, reported, paid over and disposed of in the same manner as is herein provided for the fines and penalties in said first action mentioned, and any violation of the provisions of this section shall be punished in like manner as is provided for the violation of section two of this act.

§ 5. All acts or parts of acts inconsistent with the provisions [of this act] are hereby repealed, and this act shall be deemed a public act, and shall be construed liberally for the detection of fraud, and shall take effect from and after its passage.

APPROVED February 23, 1867.

AN ACT to incorporate the Petroleum Fuel and Light Company.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William C. Crosby, H. N. Webster, Elisha P. Stone, and all others who may become associated with them, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of the "Petroleum Fuel and Light Company," and by that name may have perpetual succession, may sue and be sued, appear, prosecute and defend in any court of record or other court or place whatsoever; and may have and use a common seal, and revise the same at pleasure; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and may sell, alien and convey the same; may make, establish and put into execution such by-laws and regulations, not contrary to the laws of this state or the United States, as may be found necessary and proper for the well ordering and management of their affairs; and do and execute all such acts and things as may be necessary to carry into effect the objects of their association and the provisions of this act.

Name and style

Powers.

§ 2. The capital stock of said corporation shall, until otherwise ordered by the board of directors, consist of the sum of fifty thousand dollars, which may be increased at any time, by a resolution of the board of directors, to a sum not exceeding three million of dollars, the same to be divided into shares of not less than one hundred nor more than one thousand dollars each: *Provided*, all shares shall be equal in amount, certificates to be issued therefor as the directors shall determine. And all subscriptions to said capital stock shall be paid to the company in such installments and at such times and places as the directors shall appoint, after thirty days' notice, by circular letters addressed by mail to the subscriber or subscribers, shareholder or shareholders, and if any shareholder or subscriber, for the space of ten days next ensuing after the expiration of the thirty days, shall neglect or refuse to pay his ratable share, it shall be lawful for the directors to declare the share or shares of such shareholder forfeited to the company, and all previous payments made upon such share or shares, and such forfeited stock may be sold at a public sale by the directors, after giving notice, as they may direct; but the proceeds of said sale shall be first applied in payment of the installments called for and the expenses attending the sale, and the balance, if any, shall be refunded to the owner of said stock; and such sale shall in all respects entitle the purchaser to all the rights of such negligent stockholder in and to such shares. Said company's home office shall be in the city of Chicago, Cook county.

Capital stock.

Management.

§ 3. The stock, property and affairs of said corporation shall be managed and conducted by not less than three nor more than thirteen directors, (the number of said directors to be determined by the by-laws of said company), to be chosen from among and by the stockholders, by ballot; which directors, first chosen shall hold their offices until the first Tuesday of January next ensuing their election, and until others are chosen to supply their places; and the annual meeting for choice of directors shall (after the first election) be holden on the first Tuesday of January or on such other day in the month of January as shall be appointed by said board of directors, but; a failure to elect directors at the day appointed shall not work a forfeiture of this charter, but it shall be lawful to hold an election on any other day to be appointed by the directors last chosen. In the choice of directors, as aforesaid, each stockholder present or represented by his attorney shall be allowed one vote for each and every share of stock by him then held, and none but stockholders shall be eligible to the office of director. A majority of the directors shall constitute a quorum for the transaction of business, and when such quorum is formed if the president be not present the vice president shall preside, or in the absence of both, the directors shall appoint a president, *pro tempore*; and the president shall have power to call special meetings of the stockholders whenever thereto requested by a majority of the directors.

Objects.

§ 4. The said company is hereby authorized and empowered to receive and to take grants, leases and conveyances of all interests and estates in lands within this state, and may dig for coal and other minerals in and upon said lands, and may dig and bore for oil or other oleaginous substances in and upon such lands, and may sell and dispose of such lands, coal, oils and other products of said company; and said company may construct and erect the necessary works and apparatus for refining crude oils; may borrow moneys to aid in carrying out the objects of this act, and pledge or mortgage its rights, personal and real estate, for the payment thereof, and pay interest on such loans.

Company seal.

§ 5. And with respect to the exercise of the powers of the company, *Be it further enacted*, that the directors shall have the management, superintendence and direction of the affairs and interests of the company, and amongst other powers and authority to be exercised by them, the said directors, they may use and affix or cause to be used or affixed the seal of the company hereby incorporated to any document or paper which, in their judgment, may require the same; they may make and enforce the calls upon the shares of the respective shareholders or stockholders; and may also declare and cause to be paid or distributed to the respective shareholders or stockholders any dividend or divi-

dends of profits, in proportion to the shares of the capital stock by them then held, at such times and seasons as they shall think proper, or add the same to the paid up portion of the capital stock; they, the said directors, may make any payments and enter into all contracts for the execution of the purposes of the company, and do and perform all other matters and things in their judgment necessary for the proper transaction of its affairs; they may generally deal with, treat, sell and dispose of, and exercise such acts of ownership over the real and personal property and effects of said company, for the time being, in such manner as they shall deem expedient and conducive to the benefit and well being of the said company. The directors of said company shall cause to be yearly prepared a correct exhibit or statement, duly sworn or affirmed to by the president or vice president and secretary of the said company, which said exhibit or statement shall be submitted to the stockholders or shareholders, at their regular annual meeting, a full and correct statement of the accounts and business of the said company, a full and complete statement of the receipts, disbursements and expenditures of said company for the year past, together with a general abstract of the estimated liabilities and assets of the company, to the end that all the stockholders of said company may possess full and complete knowledge of its affairs, standing and management; a copy of which said statement or exhibit shall be transmitted by the secretary of said company to every stockholder.

Contracts, etc.

Annual financial statements

§ 6. A majority of the incorporators herein named may proceed to open books for subscription to the stock of said company, and shall at the same time or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof, or the said incorporators or a majority of them may authorize some other person to open such books and designate the time and place aforesaid.

§ 7. The board of directors may choose one of their number, a president, also another, a vice president, also may appoint a secretary and treasurer, may determine the compensation of all its officers, agents and servants, and may displace them at pleasure. Any vacancy in the board of directors may be filled from among the stockholders by the remaining directors, until the next annual election.

Subscription.

§ 8. The capital stock of said company shall be transferable on the books of said company, under such rules and regulations as may be adopted by them.

Officers—vacancy.

§ 9. The company hereby incorporated shall be subject to the operation of all general laws which may be passed by the general assembly in regard to corporations.

Capital stock transferable.

§ 10. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force March 7, 1867. AN ACT to amend an act entitled "An act to incorporate the Decatur Gas Light and Coke Company, approved February 16, 1865.

Act approved Feb'y 16, 1865, amended.

Additional corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled an act to incorporate the Decatur Gas Light and Coke company, approved February 16th, 1865, be and the same is hereby so amended, as to extend the time when said company shall commence to furnish gas to said city, and the time when said company shall complete their gas works, from three years to five years.

§ 2. That William A. Barnes, Charles A. Tuttle, and James C. Lake of said city of Decatur, are hereby made additional corporators in said company.

§ 3. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March 5, 1867.

AN ACT to incorporate the Monmouth Gas Light and Coke Company.

Name and style

Powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Draper Babcock, Ivey Quimby, John J. Glenn, William Lafferty, W. B. Jenks, Samuel Douglas, George Babcock, Samuel Claycomb and Chaney Hardin, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "Monmouth Gas Light and Coke Company" and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same, and they may have a common seal which they may break or renew at pleasure.

Business transactions and operations.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any and all substances and combinations from which inflammable gas can be obtained, and to be used for the purpose of lighting the city of Monmouth, in the county of Warren, or the streets thereof, and any building, manufactories, public places or houses therein contained, and to

erect with the authority of the city of Monmouth all necessary works and appurtenances, and to lay pipes for the purpose of conducting or distributing said gas in any or all of the streets or alleys of said city: *Provided*, that no permanent injury shall be done to any of said streets, avenues or alleys by the laying of said pipes: *And provided further*, that the corporation hereby created, shall [own] only such real estate as shall be necessary and indispensable, for the purpose of said company, and the value of said real estate shall not exceed seventy-five thousand dollars. Proviso. Proviso.

§ 3. The capital stock of said company shall not exceed the sum of three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, to be subscribed and paid in such manner and in such proportions as shall be prescribed by the by-laws and rules of said corporation. Capital stock.

§ 4. Said corporation is hereby authorized to make all such rules, by-laws and regulations, (not inconsistent with the laws of this state,) as they shall think proper and necessary, respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed; the number and election of directors, and all such matters as appertain to the interests and concerns of said corporation, and said corporation shall have the exclusive privilege of supplying said city of Monmouth and its inhabitants with gas, for the purpose of affording light, for the period of twenty-five years from and after the passage of this act. Rules, by-laws, etc.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Canton Gas Light and Coke Company.

In force Feb'y 12, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Amos C. Babcock, Granville Barrere, James H. McCall, Pike C. Ross, William Wills, Joseph Nox and William Babcock, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "Canton Gas Light and Coke Company," and by that name they and their successors shall be capable in law, of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the manage- Name and style Powers.

ment and good government of the same, and they may have a common seal, and the same may alter, break and renew at pleasure.

Business
powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all of the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Canton, or the streets, public square and parks thereof, and any buildings, manufactories, colleges, academies, school houses, churches and public places or houses therein contained, and to erect all necessary works and apparatus; and to lay pipes for the purpose of conducting the gas in any of the streets, avenues or public grounds of said city, provided that no permanent injury or damage shall be done to any street, lane; highway or public grounds of said city. The real estate which this corporation is entitled to hold shall not exceed the value of one hundred thousand dollars.

Capital stock.

§ 3. The capital stock of said corporation, shall not exceed three hundred thousand dollars, to be divided in shares of fifty dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for the regulating of said company as they shall think proper and necessary, respecting the management and disposition of the stock and property, and estate of said company, the duties of the officers, artificers and agents to be employed, the number and selection of directors and all such matters as appertain to the concerns and business of said company. Said company shall have the exclusive privilege of supplying the city of Canton, and its inhabitants with gas, for the purpose of affording light for twenty-five (25) years. This act to take effect and be in force from and after its passage. This act shall be subject to any general law of this state controlling or regulating the amount charged for gas or other light made and sold by said company, and the said company shall be in operation and in a condition to exercise gas or other light within six years after the passage of this act.

Subject to gen-
eral laws.

APPROVED February 12, 1867.

In force Feb'y
26, 1867.

AN ACT to incorporate the Mattoon Gas Light and Coke Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Eben Noyes, James M. Lane, Jonathan Richmond and John W. Scroggs, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style*

of "The Mattoon Gas Light and Coke Company," and by that name they and their successors shall be capable, in law, of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of said company, and for the management and good government of the same, and they may have a common seal, and the same may alter, break and renew, at pleasure.

Name and style

Powers.

§ 2. The corporation hereby established shall have full power and authority to manufacture and sell gas to be made from any or all of the substances or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Mattoon, with all the additions or enlargements thereof, or the streets and avenues thereof, and any buildings, mills, manufactories, colleges, accdemies, churches and public places or houses therein contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets of said city or any of the streets or avenues of the same: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold, shall not exceed in value fifty thousand dollars.

Business and affairs.

Proviso.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company, as they shall think proper and necessary respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and selection of directors and all such matters as appertain to the concerns of said company. Said company shall have the exclusive right and privilege of supplying the city of Mattoon and its inhabitants with gas for the purpose of affording light, for twenty-five years.

Capital stock.

Exclusive rights.

§ 4. This act is hereby declared to be a public act and shall be in force from and after its passage.

APPROVED February 26, 1867.

in force Feb'y AN ACT to amend an "An act approved February 20, A. D., 1861, entitled an act to incorporate the Pekin Gas Light Company."

Section 5
amended.

Indebtedness.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section five (5) of said act be so amended as to read as follows: It shall be lawful for the directors of said company at any time they may require, to borrow or obtain on loan such sum or sums of money, and on such terms as they may deem expedient, not, however, to exceed the sum of fifty thousand dollars at any one time, and at a rate of interest not exceeding ten per cent. per annum, and to secure the re-payment of such sum or sums as borrowed, with interest thereon; the directors of said company are hereby authorized to issue the bonds of the company therefor, and to further secure the sums by mortgage or deed of trust upon the real property, rights, privileges and franchises of said company to the same extent as natural persons, may pledge or mortgage their property, such mortgage or deed of trust to be executed by the president of said company, and attested by the secretary under the seal of said company.

Extension of
powers.

§ 2. That the provisions and powers conferred by this act, shall apply to and extend to the receiving of any money heretofore borrowed by the directors of said company, as well as to any money that may hereafter be borrowed.

§ 3. This act shall be in force from and after its passage.

APPROVED February 25, 1867.

in force March
5, 1867.

AN ACT to incorporate the El Paso Gas Light and Coke Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John T. Harper, Daniel B. Webster, Samuel H. Mitchell, George L. Gibson, Robert G. Ingersoll, Joseph H. Moore, George H. Campbell, James M. Harper and Robert T. Cassell, their successors, associates, heirs and assigns, be and they are hereby created a body corporate and politic with perpetual succession, by the name and style of "El Paso Gas Light and Coke Company," and by that name they and their successors shall be capable in law, of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy

Name and style

Powers.

and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal and the same may alter, break and renew at pleasure.

§ 2. The corporation hereby created, shall have full power and authority to manufacture and sell gas, coke and tar, made from any or all of the substances from which inflammable gas and tar and coke are usually obtained, and to be used for the purpose of lighting the city of El Paso or the streets thereof, and public places or houses therein contained, and other places in that vicinity, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues, public grounds or other places in the said city or elsewhere: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway, of said city. The real estate which this corporation is entitled to hold, shall not exceed in value two hundred thousand dollars, and it shall be lawful for the said company to sell, lease and convey any real estate it may possess, when not required for its own use.

Business and operations.

Proviso.

§ 3. The capital stock of said company, shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns and affairs of said company; which by-laws, rules and regulations, the said company by its directors are hereby empowered to make and change, alter and revise at pleasure; and provide for the management and disposition of the stock, property and real estate of said company, the duties of the officers, artificers and agents to be employed, the number and selection of directors and all such other matters as pertain to the concerns, affairs or necessities of the company. Said company shall have the exclusive right and privilege of supplying the city of El Paso with gas for the purpose of affording light for thirty years.

Capital stock.

By-laws, etc.

Exclusive privileges.

§ 4. The city council of the city of El Paso, are hereby authorized, and they may issue to the said El Paso gas light and coke company, as a loan of their credit, bonds to any amount not exceeding twenty-five thousand dollars, and not to draw over ten per cent. interest, payable in five, ten, fifteen, twenty and twenty-five years, from the date of issue, secured upon the revenues of the said city of El Paso.

Bonds.

§ 5. It shall be lawful for the directors of said company, at any time they may require, to borrow money or obtain on loan such sums of money and on such terms as they may deem expedient, and to issue the bonds of the company for the same; not however, to exceed the sum of fifty thousand dollars at any one time in any one year.

Indebtedness.

Real estate.

§ 6. The said company may acquire by purchase or condemnation, agreeably to the laws of this state, such real estate as shall by them be required for their said business.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED, March 5, 1867.

In force March 7, 1867. AN ACT to incorporate the Arenzville, Virginia and Bloomington Railroad Company.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. R. Van Demark, Calvin Diffenbarker, J. Q. Dunlap, Alexander Huffinan, N. B. Beas, R. W. Rabaum and Le Roy Carpenter and their associates, successors and assigns, are hereby created a body politic and corporate under and by the name and style of "The Arenzville, Virginia and Bloomington Railroad Company" with perpetual succession and by that name and style shall be, and are hereby made capable in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity in this state or elsewhere; to make, have and use a common seal, and alter the same at pleasure, and by that name and style shall be capable in law of taking, holding, purchasing, leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purpose hereinafter named, and not further, and shall be and are hereby vested with all the powers, privileges and immunities which may be necessary to carry into effect the object and purpose of this act.*

Powers, etc.

Line of road.

§ 2. The said company shall have power and authority to locate and from time to time to alter, change and relocate, construct and reconstruct, finish, maintain and operate a railroad, with one or more tracks, commencing at Meredosia in the county of Morgan, running thence to Arenzville, in the county of Cass, thence through Virginia to Petersburg, in the county of Menard, thence through the counties of Logan and McLean, to Bloomington, upon the most eligible route, to be selected by the company. And for the purpose of constructing the said railroad, said company shall have power to lay out and establish their said road, in width not exceeding one hundred feet, through the entire length thereof; and for the purpose of constructing bridges, dams, embankments, excavations, spaid banks, engine houses, depots, station grounds, machine shops, turnouts, turntables and all other buildings and fixtures necessary and suitable for the construction, altering, maintaining and operating said

road, and also, for obtaining necessary stone, gravel and rails, the said company may take, use and occupy all necessary lands upon either side of said road.

§ 3. The said company shall have power to take and hold all such voluntary grants and donations of lands and real estate as may be made to said company, to aid in the construction and maintenance of said road, and to take conveyances of any and all estate therein to said company and their successors in office, or their assigns in fee and otherwise; and the right of way, and the real estate purchased for the right of way for said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law as in this act provided, shall upon the payment of the amount of money belonging to the owner or owners of said lands as a compensation for the same, become the property of said corporation in fee simple. Grants, etc.

§ 4. The said company are hereby authorized, by their engineers, agents and surveyors, to enter upon any lands for the purpose of making the necessary survey and examination of said road, and to enter upon and take and hold, all lands necessary for the construction of said road, by first making just compensation to the owner thereof, for damages that may arise from the appropriation thereof to the uses aforesaid, and in case said company can not acquire title to the land required for said uses, by purchase or voluntary cession, then they may proceed to acquire it under the general laws in such cases made and provided. Enter upon
lands, etc.—
compensation.

§ 5. The capital stock of said corporation shall consist of two million of dollars (\$2,000,000) and may be increased by the directors of said company to any sum necessary to complete and equip said road. The said capital stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, liable to be sold under execution and shall be transferable in such manner as shall be ordered by the directors. Capital stock.

§ 6. All of the corporate powers of said company shall be vested in and exercised by a board of directors, five in number, to be chosen annually by the stockholders, who shall hold their offices for one year, and the time and manner of holding elections for directors shall be determined by the by-laws of the company; and at all elections each stockholder shall be entitled to one vote for each share of stock owned by him, and may vote in person or by proxy. Said board shall elect one of their own number president of the company, and appoint all necessary clerks, secretary and other officers necessary for the transaction of the business of the board, and if a vacancy should occur in the board, by any cause whatever, before the annual election, said vacancy may be filled by appointment, under such rules and regulations as may be prescribed. Directors.

First board of directors.	§ 7. The first board of directors shall consist of C. Diffenbarker, R. W. Rabbaum, Alexander Huffman, N. B. Beas and J. Q. Dunlap, who shall hold their office for one year after the passage of this act. Said directors shall cause the books to be opened for subscription to the capital stock, in such a manner as may be fixed by by-laws.
Privileges, etc.	§ 8. The said company shall be entitled to the privileges, immunities and protection, as other railroad companies are, and shall be subject to the same penalties and restrictions.
Time of commencement, etc.	§ 9. This act is hereby declared to be a public act and shall be in force from and after its passage, and said company shall commence its work within three years and complete the same within five years after the passage of this act.
APPROVED March 7, 1867.	

In force March 6, 1867. AN ACT to incorporate the Union Gas Light and Coke Company, of La Salle and Peru.

Name and style	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John B. Colton, B. T. O. Hubbard, E. F. Bull, Lewis M. Peterson, Edward P. Everett and D. B. Hilliard, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Union Gas Light and Coke Company," of LaSalle and Peru, and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and be sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company and for the management and good government of the same, and they may have a common seal, and the same may alter, break and renew at pleasure.
Powers.	
Business and operations.	§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all of the substances or a combination thereof from which inflammable [gas] is usually obtained, and to be used for the purpose of lighting the cities of La Salle and Peru, or the streets thereof, and any buildings, manufactories, colleges, academies, churches and public places or houses therein contained; and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets or avenues of said cities:

Provided, that no permanent injury or damage shall be done to any street or lane or highways of said cities.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company as they shall think necessary and proper, respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and selection of directors, and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the cities of LaSalle and Peru and their inhabitants with gas, for the purpose of affording light, for twenty-five years : *Provided* the franchises hereby granted shall be forfeited unless the said company shall be prepared to furnish gas within two years, and the said company shall be subject to any general law of this state, on the subject of gas companies.

Capital stock.

By-laws, etc.

Exclusive privileges.

Proviso.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to revive an act entitled "An act to incorporate the Morris Gas Light and Coke Company," approved February, 16, 1857.

In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That a certain act entitled "An act to incorporate the "Morris Gas Light and Coke Company," approved February 16, 1857, be and the same is hereby revived and declared to be in full force and perpetual.

Act approved Feb'y 16, 1857, revived and in force.

§ 2. This act shall be a public act, and in full force from and after its passage.

APPROVED March 8, 1867.

AN ACT to amend "An act to incorporate the Aurora Gas Light Company." In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "An act to incorporate the Aurora Gas Light Com-

Act approved Feb'y 20, 1861, amended.

pany," approved February 20, 1861, be amended by striking out of the third section thereof the words "said company shall have the exclusive right and privilege of supplying the city of Aurora with gas, for the purpose of affording light, for twenty years," and also by striking out the whole of section four (4) of said act.

This act shall be in force from and after its passage.

APPROVED March 9, 1867.

In force May
8, 1867.

AN ACT to incorporate the Washington Gas Light Company.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Nathaniel E. Pegram, Howard Elmer and John Hopkins, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "Washington Gas Light Company," and by that name they and their successors shall be capable in law, of contracting and being contracted with, suing and being sued, defending and being defended, in all the courts and places, and in all matter whatsoever, with full power to acquire, hold, occupy and enjoy, all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

Business and operations,

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas to be made from any or all of the substances or combinations thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Virginia or the streets thereof, and any buildings, manufactories, public places or houses therein contained, and to erect all necessary works and apparatus, and to lay pipe for the purpose of conducting the gas in any or all the streets, avenues or alleys of said city, with or without the consent of its corporate authorities: *Provided*, that no premanent injury or damage shall be done to any of the said streets, avenues or alleys.

Capital stock,

§ 3. The capital stock of said company shall be twenty thousand dollars, to be subscribed for and paid in such proportion as shall be prescribed by the by-laws and rules for the regulation of said company, and may be increased at pleasure, in shares of one hundred dollars each.

§ 4. The corporation hereby created and organized shall be under the direction of five directors, all stockholders in said company, one of whom shall be elected president, and they shall prescribe by-laws and rules for the regulating the concerns of said company. Directors.

§ 5. Said company shall have the exclusive right and privilege of supplying the aforesaid city and its inhabitants with gas, for the purpose of affording light, subject to existing rights, and may borrow money and for such purpose may issue bonds and mortgage its property, loan surplus funds and take mortgages on real estate to secure the payment of the same. This company shall be confined to the county of Cass. Exclusive privileges.

APPROVED March 8, 1867.

AN ACT to incorporate the Champaign and Urbana Gas Light and Coke Company. In force Feb'y 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Faulds, Daniel Gardner, Thomas A. Cosgrove, C. R. Griggs, John G. Clark and Chalmers M. Sherfy, and their associates, be and they are hereby created a body politic and corporate with perpetual succession, by the name and style of "The Champaign and Urbana Gas Light and Coke Company," and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure. Name and style
Powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all of the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the cities of Champaign and Urbana, with all the additions or enlargements thereof, or the streets and avenues thereof, and any buildings, mills, manufactories, colleges, academies, churches and public places or houses therein contained; and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any parts of the streets of said Business, etc.

Proviso.	cities or any avenues of the same: <i>Provided</i> , that no permanent injury or damage shall be done to any street, lane or highway of said cities. The real estate which this corporation is entitled to hold shall not exceed in value fifty thousand dollars.
Capital stock.	§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company, as they shall think proper and necessary respecting the management and disposition of the stock, property and estate of said company. The duties of the officers, artificers and agents to be employed, the number and selection of directors and all such matters as appertain to the concerns of said company.
By-laws.	
Exclusive privileges.	Said company shall have the exclusive right and privilege of supplying the cities of Champaign and Urbana and its inhabitants with gas, for the purpose of affording light, for twenty-five years.
	§ 4. This act is hereby declared to be a public act, and shall be in force from and after its passage.
	APPROVED, February 18, 1867.

In force Feb'y 21, 1867. AN ACT to incorporate the Northwestern Gas Light and Coke Company.

	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly</i> , That William H. Lunt, Lyman J. Gage, Josiah F. Willard, Merrill Ladd and Philip B. Shumway, their associates, successors, heirs and assigns, be and they are hereby created a body corporate and politic with perpetual succession, by the name and style of "The Northwestern Gas Light and Coke Company," and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever, with full powers to hold, acquire, occupy and enjoy all such real estate and personal property as may be necessary for the construction, extension and usefulness of the works of said company and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.
Name and style	
Powers.	
Manufacture and sell gas—purpose.	§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all the substances, or a combination thereof, from which gas is usually obtained, or any other substance which they may choose to employ in the manu-

facture of the same, for the purpose of lighting the village of Evanston, in Cook county, or the streets thereof, and any public buildings, shops or manufactories, and public places or houses therein contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues or alleys of said village. The real estate which this corporation is entitled to hold shall not exceed in value one hundred thousand dollars.

§ 3. The corporation hereby created, when organized, shall be under the direction of five directors, all stockholders of said company, one of whom shall be elected president. The directors shall have power to make such by-laws, rules and regulations for conducting the works, the election of directors and the affairs of the company, and may appoint such officers, agents and employees, and prescribe the duties of the same, as to them may seem necessary, not inconsistent with the laws of this state. Officers, etc.

§ 4. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for as may be prescribed by the corporators above named, or their successors or assigns. Capital stock.

§ 5. The said company shall have the exclusive right and privilege of manufacturing and supplying the village of Evanston and its inhabitants with gas for twenty-five years, and may borrow money, and for such purposes may issue bonds and mortgage its property, loan surplus funds they may have on hand, and take mortgage or mortgages on real estate to secure the payment of the same. Exclusive privileges.

§ 6. This act shall be taken and deemed a public act, and shall be construed beneficially for the purposes herein specified or intended, and shall take effect from and after its passage.

APPROVED February 21, 1867.

AN ACT to incorporate the Danville Gas Light Company.

In force April
21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph G. English, John Donton, William W. R. Woodbury, William Giddings, Victor Lessure, Hiram W. Beckwith and Raymond W. Hosford, their successors, associates, heirs and assigns, be, and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "Danville Gas Light Company," and by that name they and their successors shall be capable in law Corporators.
Powers.

of contracting and being contracted with, and suing and being sued, and defending and being defended in all courts and places, and in all matters whatsoever, with full power to acquire, enjoy, hold and occupy all such real and personal estate as may be necessary and proper for the construction, extension and operations of the works of said company and for the management and good government of the same, and may have a common seal, which they may change or alter at pleasure.

Manufacture
gas, coke, etc.

Injury to streets

Capital stock.

Directors.

Organization.

§ 2. Said corporation shall have full power and authority to manufacture, sell, and dispose of gas, coke and tar, made from any or all of the substances from which inflammable gas, coke and tar can be obtained, and to be used for the purpose of lighting the city of Danville, or the streets thereof, and public places or houses therein contained, and other places in that vicinity, and to erect all necessary works and apparatus; and to lay pipes for the purpose of conducting the gas in any of the streets, avenues, alleys, highways, public grounds, or other public places in said city or elsewhere: *Provided*, that no permanent injury or damage shall be done to any street, lane, alley or highway in said city. The real estate which this corporation is entitled to hold, shall not exceed in value one hundred thousand dollars, and it shall be lawful for the said company to sell and convey any real estate it may possess, when not required for its own use.

§ 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules and regulations adopted by the board of directors.

§ 4. Said corporation shall be under the control and direction of a board of directors, consisting of not more than nine, or less than five, all of whom shall be stockholders in said company, and one of whom shall be president. The directors shall have power to make by-laws, rules and regulations for conducting the works, the election of directors, and the affairs of the company, not inconsistent with the laws of this state or the United States, and may appoint such officers, agents and employees, and prescribe the duties of the same as they may deem necessary.

§ 5. As soon as one hundred shares shall be subscribed or sooner if said corporators deem it expedient, the said corporators or a majority of them may give notice by three weeks' advertising in a newspaper published in said city of Danville, of the time and place for the stockholders to meet and elect directors, and to take such other steps toward the organization of the company as they may deem expedient. Stockholders shall be entitled at such and all other elections to one vote for each and every share.

§ 6. It shall be lawful for the directors of said company, whenever they require it, to borrow or obtain on loan, such sums of money, and on such terms as they may deem expedient, and to issue the bonds of the company for the same, not however to exceed the sum of fifty thousand dollars at any one time. Indebtedness

§ 7. Said company shall have exclusive right and privilege of supplying the city of Danville with gas, for the purpose of affording light for the term of twenty-five years, and the common council of the city of Danville are hereby authorized, and they may issue to the said "Danville Gas Light Company" as a loan of their credit bonds to any amount not exceeding twenty-five thousand dollars, drawing not to exceed ten per cent. interest, and payable in ten, fifteen or twenty years from the date of issue, secured upon the revenues of said city of Danville, said bonds to be a first lien upon the real estate and fixtures of said "Danville Gas Light Company." Exclusive privileges.

APPROVED February 21, 1867.

AN ACT to incorporate the Kankakee Gas Light and Coke Company. In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lemuel Milk, Emery Cobb, James Mix, A. W. Muck and D. S. Parker and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of the "Kankakee Gas Light and Coke Company," and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such real and personal estate, as may be necessary and proper for the construction, extension and usefulness of the works of said company and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure. Name and style
Powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, coke and tar, to be made from any and all substances or a combination thereof, from which inflammable gas, coke or tar are usually obtained, and to be used for the purpose of lighting the city of Kankakee, or the streets thereof, and any buildings, manufactories and public places or houses therein contained; and to erect all necessary buildings, works and apparatus and to lay pipes for the purpose of conducting Authority and powers.

Real estate—
value of.

Capital stock.

the gas in any of the streets, avenues or alleys of the said city: *Provided*, that no permanent injury or damage shall be done to any of said streets, avenues or alleys. The real estate which this corporation is entitled to hold, shall not exceed in value one hundred thousand dollars, and it shall be lawful for the said company to sell and convey any real estate it may possess, when not required for its own use.

§ 3. The capital stock of said company shall be one hundred thousand dollars, and may be increased to be divided in shares of one hundred dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the laws and rules for regulating the affairs of said company, which by-laws, rules and regulations the said company by its directors are hereby empowered to make and to change or revise at pleasure, and provide for the management and disposition of the stock, property and real estate of said company. The duties of the officers, agents and employees, the number and selection of directors, and all other business pertaining to the affairs of said company shall have the exclusive right and privilege of supplying and selling the city of Kankakee and its inhabitants with gas, for the purpose of affording light for twenty-five years.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 23, 1867.

In force Feb'y
23, 1867.

AN ACT for the preservation of game in Hancock county.

Time of unlaw-
ful killing.

SECTION 1. [*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*] That it shall be unlawful for any person to kill, trap, net or ensnare any deer, fawn, wild turkey, grouse, prairie hen or chicken, quail, Virginia partridge or pheasant, between the first day of March and the twentieth day of July, in each and every year.

Non-residents
disallowed pri-
vilege of kill-
ing.

§ 2. That it shall be unlawful for any person who is not and who has not been an actual and *bona fide* resident of this state for sixty days, to kill, trap, net or ensnare any deer, fawn, wild turkey, grouse, prairie hen or chicken, Virginia partridge, pheasant, quail, woodcock, wild goose, duck, brant, plover, snipe or any wild game of any kind, nature or description, at and within the county of Hancock, and state of Illinois, at any time after the passage of this act.

Unlawful trans-
portation.

§ 3. That it shall be unlawful for any person, corporation, express company, ferry boat or common carrier, their agents or servants, to carry, transport or convey any of the animals or birds mentioned in section two of this act from

or out of said county of Hancock, at any time from and after the passage of this act.

§ 4. That it shall be unlawful for any person or corporation to buy, sell or have in possession any of the before mentioned animals or birds specified in section one of this act, between the first day of March and the twentieth day of July in each and every year, at any time when the killing, trapping, netting and ensnaring of such animals or birds shall be unlawful, which shall have been killed, entrapped, netted or ensnared contrary to the provisions of this act. Unlawful possession

§ 5. That it shall be unlawful for any person or persons to buy any of the before mentioned animals or birds, at any time after the passage of this act, for the purpose of selling or trafficking in the same. Unlawful traffic.

§ 6. That it shall be unlawful for any person to ensnare, trap or net any quail, prairie hen or chicken, Virginia partridge or pheasant at any time after the passage of this act. General prohibition.

§ 7. That it shall be unlawful for any person or persons to destroy or remove from the nests of any prairie chicken, grouse, quail, wild turkey, Virginia partridge or pheasant, any egg or eggs of any such bird; or for any person or persons to buy, sell or have in possession or to traffic in any such eggs, or willfully to destroy the nests of any said birds, under the penalty of five dollars for each and every offence, to be sued for and recovered as provided in the ninth section of this act. Unlawful destruction.

§ 8. That any person or persons who shall go upon the premises of any person or persons or corporation, whether the same be inclosed or not, with the intention to ensnare, entrap or net, or be found ensnaring, entrapping or netting any of the before mentioned animals or birds, or to hunt, or to be found hunting or killing any of the before mentioned animals or birds, contrary to the provisions of this act, shall be deemed guilty of misdemeanor, and on conviction thereof shall be fined in a sum not less than fifteen dollars, and not exceeding one hundred dollars, for each and every offence. Penalties for poaching.

§ 9. Any person who shall willfully violate any of the provisions of this act shall forfeit and pay a fine of fifteen dollars for each deer or fawn thus killed, entrapped, netted or ensnared, bought, sold, transported, carried, conveyed or held in possession, as aforesaid; and the sum of five dollars for each and every wild turkey, grouse, prairie hen or chicken, quail, Virginia partridge, pheasant, woodcock, wild duck, goose, brant, plover or snipe, as aforesaid, and for each and every one of them, to be sued for and recovered before any justice of the peace of the county, in an action of debt, or before any court having jurisdiction thereof; said penalty shall go to the school trustees of the Violation of law—penalties for.

Disposition of
fines, etc.

township in which this act shall have been violated, to be added to the school fund of said township; the action to be brought in the name of Hancock county: *Provided, however*, that any fine or penalty provided for by this act, may be proceeded for and recovered by warrant, to be issued in the name of the people of the state of Illinois, by any justice of the peace of said county, and upon conviction thereof, the justice may order the defendant or defendants to stand committed to the jail of said county, until said fine or penalty, together with the costs of suit, shall be fully paid and discharged.

Evidence of un-
lawful killing.

§ 10. The provisions of this act shall not be construed as applicable to any express company or common carrier into whose possession any of the animals or birds therein mentioned shall come, in the regular course of their business, for transportation while they are in transit through said Hancock county, from any place without said county, where the killing of said animals or birds shall be lawful. But, notwithstanding this provision, the having or being in possession of any of said animals or birds by any person or persons, corporation, railroad company, express company, ferry boat or common carrier, their agents or servants, between the said first day of March and the twentieth day of July, in each and every year after the passage of this act, or at or upon any of the days in which the killing, entrapping, ensnaring, netting, buying, selling or having in possession any of said animals or birds, shall be unlawful by the provisions of this act, shall be deemed and taken as *prima facie* evidence that the same were killed, ensnared, entrapped, netted, bought, sold or held in possession in violation of the provisions of this act.

Possession of
game.

§ 11. That any person or persons who are not residents of the state of Illinois, in conformity to the provisions of the second section of this act, or any railroad company, express company, ferry boat, corporation or common carrier, their agents or servants, who shall have any of the before mentioned animals or birds in their possession, at any time after the passage of this act, at and within the county of Hancock, and state of Illinois, such possession shall be deemed and taken as *prima facie* evidence that the same was ensnared, entrapped, netted, killed or held in possession, in violation of the provisions of this act.

Conflicting acts
repealed.

§ 12. All acts and parts of acts conflicting with the provisions of this act, or so much thereof as relates to the said county of Hancock or is applicable thereto, are hereby repealed, and the provisions of this act shall be in force and apply to the said county of Hancock, in the state of Illinois.

§ 13. This act shall be a public act, and shall take effect and be in force in said county of Hancock from and after its passage.

APPROVED February 23, 1867.

AN ACT for the protection of fish in the county of Macoupin.

In force Feb'y
19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, it shall be unlawful to take or capture any fish from any of the rivers, brooks or other streams of water, within the limits of the county of Macoupin, with any seine or seines, gill net or nets, dip net or nets, set net or nets, trap or traps, or other nets, except minnows or such other small fish as are commonly used for the purposes of bait.

Unlawful cap-
ture of fish.

§ 2. That it shall be unlawful for any person or persons to have in possession any fish which shall have been taken in violation of this act. Any person or persons so having in possession any such fish, who may have been seen using any of the implements above described for the taking and capturing of fish, it shall be deemed *prima facie* evidence that such fish had been taken, captured or caught in violation of the provisions of this act.

Possession.

§ 3. Any person who shall take or capture any fish or fishes, in violation of the provisions of this act, shall forfeit and pay a fine of five dollars for each fish so taken, to be sued for and recovered before any justice of the peace of said Macoupin county, in an action of debt, or before any court having jurisdiction thereof, one half of the fine or forfeiture so recovered, shall go to the informer, and the other half to the school fund of the township in which this act may have been violated. The action to be brought in the name of the people of said county of Macoupin.

Forfeiture, etc.
—dispositon
of fines.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1867.

AN ACT for the preservation of game and fish, in the counties of Adams and Hancock.

In force Feb'y
21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person in the county of Adams or the county of Hancock, to take, kill, trap, net or snare, any wild turkey, quail, grouse or pheasant, between the 14, day of February and the first day of October; any prairie hen or chicken, between the first day of February and the tenth day of August; any woodcock, between the first day of January and the first day of July; any deer or fawn, between the fifteenth day of January and the fifteenth day of Au-

When unlawful
to kill game.

gust; or any wood or summer duck, between the fifteenth day of April and the fifteenth day of August in each year. The having any such game in possession, in either of said counties within the times herein prohibited, shall be *prima facie* evidence that the person so having such game in possession, has unlawfully taken, killed, trapped, netted or ensnared the same within said counties.

When unlawful
to take fish.

§ 2. It shall be unlawful for any person or persons to take or catch fish from any lake, bayou, slough or creek, in either of said counties except in the main stream of the Mississippi river and in Quincy bay and Lima lake and slough, in the waters of Bear creek and in all waters on the Mississippi river bottoms between the said Lima lake and slough and the said Quincy bay, by means of any sein, gill net, trammel net, pike or loop net or any other kind of net; any person violating the provisions of this section, shall forfeit and pay the sum of twenty five dollars.

Penalties.

§ 3. Any person violating the provisions of the first section of this act, shall be liable to the same penalties as are provided by an act entitled "An act for the preservation of game," approved February 16, A. D. 1865, and the said penalties, as also the penalty imposed for a violation of the second section of this act, shall be enforced and the fines disposed of in the manner provided by said last mentioned act for violations thereof; and said last named act, so far as the same conflicts with the provisions of this act, is hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

In force Feb'y
23, 1867.

AN ACT to incorporate the Piscatorial Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles L. Wilson, John Ross, C. V. Dyer, Erastus Bailey, R. K. Swift and all others who may become associated with them as subscribers to the capital stock of the association hereby created, their successors and assigns forever, be, and they are hereby created a body politic and corporate, by the name and style of "The Piscatorial Association," and by that name shall be, and hereby are, empowered to have, hold, possess and enjoy by themselves, successors and assigns forever, lands, tenements, hereditaments, goods, chattles, choses in action and effects of every kind, and waters and water courses, and the same to grant, sell, alien, and dispose of; to sue and be sued, plead and be impleaded, in all

Name and style

courts of law and equity; to have and use a common seal, and the same to change, alter or renew, at pleasure.

§ 2. The chief objects of the association shall be to employ its capital to explore for, survey, examine and purchase or acquire interest in lands, waters and water courses, suitable for the propagation and growth of fish, and to improve such lands, waters and water courses, chiefly for the objects above named, and also in such other ways as may be deemed most beneficial and satisfactory to a majority of the stockholders.

Chief objects.

§ 3. The business and affairs of said corporation shall be managed by a board of not less than three, nor more than seven directors, and such officers and agents in this state and other states and places as they may appoint. The first board of directors shall be elected by the corporators aforesaid, or such of them as may act, together with such other persons as may become associated with them as subscribers to the said capital stock; and thereafter the said directors shall be elected by ballot, by and from said stockholders. The said directors shall hold office for the term of three years, and until others shall be elected to fill their places. In case of a vacancy by death, resignation, or otherwise, the remaining directors may fill such vacancy by appointment until the next regular election. There shall be meeting of the stockholders at the office of the association in Chicago, in this state, on the first Tuesday in April, of each and every year; three stockholders representing, either by ownership or proxy, one-half of the said capital stock shall constitute a quorum for transacting business; the said directors shall have power to ordain and put in execution such by-laws and regulations as they may deem proper for the well ordering and government of said corporation: *Provided*, they be not repugnant to the laws of the land, or to the provisions of this act of incorporation. The said directors shall have power to make or cause to be made, surveys and examinations of lands, waters and water courses, deemed suitable for the objects above expressed, and so much thereof, as may be considered fit to carry out the said objects, to purchase or to acquire such interest therein as may seem requisite for the objects and use of the association; and to pay the purchase price thereof in money, or in lieu of money, to exchange therefor such other fair value as may be agreed upon with the parties in interest, in any such lands, waters or water courses; and to appoint all such officers and agents, and to fix their compensations, duties, and terms of office, or service, as they in the exercise of a reasonable discretion may deem proper. The home office of said association shall be located in the said city of Chicago; contracts to which said corporation may be a party shall be valid and binding with or without the seal of the association attached.

Business and operations.

Election of officers.

Prescribed duties.

Organization.

§ 4. At any time within two years from and after the passage of this act, and not afterwards, the said corporators, or such of them as may act, shall proceed to organize the association by the election of, and from, the subscribers to said capital stock, of three persons to constitute the first board of directors, and they shall open books for subscription for said capital stock.

Capital stock.

§ 5. The said capital stock shall be acquired by issue and sale of certificates of shares therein, in such sums per share, and with such grades of preference as to a share or shares in the dividends of the net profits of the association, and with such terms and conditions as to retirement of such share or shares as the said directors may deem proper to ordain, fix or establish. The total amount of said capital outstanding at any one time may be to the extent of fifty thousand dollars.

§ 6. It shall be lawful for the association to sell or grant and issue its certificates of shares in said capital, in payment for valuable interests in lands, waters or water courses, goods, chattles, or effects conveyed to it, or for and in consideration of any valuable service or services rendered to the association.

Quorum.

§ 7. At any annual meeting of the association (a quorum for business being present) the number of the directors may be increased or diminished, and by-laws made amended or repealed, as two-thirds of the stockholders present or represented at any such meeting may approve.

Elections of directors.

§ 8. At all elections for directors, the stockholders shall be entitled to one vote, by themselves or proxy, for each share of said stock held and owned by them respectively.

§ 9 Shares in said capital stock shall be transferable, only, on the books of the said corporation, according to its rules and regulations.

Disposition of surplus funds.

§ 10. Any surplus moneys or reserved fund, belonging to the association may be used from time to time to purchase for account of said corporation any certificate of a share or shares in the said capital stock: *Provided*, that authority to do so is confirmed or given at any annual meeting, by a two-thirds vote of the stockholders present, or represented by proxies at such meeting.

Indebtedness.

§ 11. The association may borrow money for the purpose of carrying out and fulfilling its objects, and to secure the payment of the same, with such lawful interest as may be agreed upon, by its note or notes, bond or bonds, coupon or coupons, contract or contracts, mortgage or lien on its real or personal estate, but not otherwise; and the association may temporarily loan out any of its funds upon interest and upon merchantable securities, and the same securities to sell, and the proceeds to re-invest until the sums so loaned out are required to carry out and fulfill the chief objects of the association hereinbefore named.

§ 12. The said directors may, out of the net profits of Reserve fund. the association, set apart and create such reserve fund, or such reserve funds, for specific or general purposes, and for the general welfare of the said corporation, as they may deem expedient and proper.

§ 13. This act shall be deemed to be a public act, and shall take effect from and after its passage.

APPROVED February 23, 1867.

AN ACT to prohibit the trapping of fur during certain months of the year, In force Feb'y 25, 1867.
in the county of Lake.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person to kill, trap, net or ensnare any muskrat, otter, beaver or mink, between the first day of May and the first day of October in each and every year. When unlawful to kill.

§ 2. Any person who shall go upon the premises of any person or persons, or corporation, whether the same be inclosed or not, with intention to ensnare, trap, kill or net, or be found trapping, ensnaring or netting any of the before mentioned animals within the time aforesaid, shall be deemed guilty of trespass, and may be prosecuted before any justice of the peace of the county wherein the said premises may be, by the owner or person in possession of the same, in an action of trespass, and fined in any sum not less than five nor more than twenty-five dollars, to go to the owner or occupiers of said premises: *Provided, however,* that a judgment obtained under the third section of this act shall be a bar to any suit under the second section herein. Penalties for trespass.

§ 3. Any person who shall willfully violate any of the provisions of this act shall forfeit and pay a fine of ten dollars for each and every muskrat, otter, beaver or mink thus killed, entrapped, netted, ensnared or taken as aforesaid, to be sued for and recovered before any justice of the peace of the county in which this act shall have been violated, in an action of debt, or before any court having jurisdiction thereof; one-half of said penalty to go to the complainant and the other half to the school trustees of the township in which this act shall have been violated, to be added to the school fund of the township; the action to be brought in the name of the state. The complainant shall be a witness in all cases. Penalties for violation of law—how recovered—disposition of fines.

§ 4. In all cases of the willful violation of this act, where the complainant shall file with the justice before whom the suit is brought, or clerk of the court of record, (if brought before a court of record,) his affidavit that the Action for violation of law.

person or persons complained of have killed, trapped, ensnared, netted or taken any muskrat, otter, beaver or mink, within the said county, and between the times aforesaid mentioned, and that such person or persons are non-residents of this state, or is or are about to depart this state, with the intention of evading the payment of the penalty or penalties imposed by this act for a violation of its provisions, and that such person or persons have no property within this state which might be taken in execution for the payment of judgments which might be rendered under the provisions of this act, and that the penalty imposed for a violation of this act will be lost, and not recovered unless he or they be held to bail, then, and in such case, it shall be lawful for said justice, or clerk of the court of record, as the case may be, to issue his warrant, as in cases for debt, varying the same to suit the action. And the defendant may release his body by giving special bail as in actions for debt: *Provided*, that one at least of said securities shall live or hold property within the state of Illinois.

§ 5. This act shall take effect and be in force from and after its passage, and shall only apply to the county of Lake.

APPROVED February 25, 1867.

In force Feb'y
23, 1867.

AN ACT to incorporate the Illinois Grain and Drying Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joseph Sonter, George Chandler, John L. Thompson, George E. Conrad and William E. Furness, their associates and successors, be and they are hereby created a body corporate and politic, under the name and style of the "Illinois Grain Drying Company," with perpetual succession, and by that name may sue and be sued, implead and be impleaded in any court of law or equity in this state or elsewhere; may have and use a common seal, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act; and may make such rules, regulations and by-laws, and may change the same as may be necessary and proper for the government and management of the business of the corporation hereby created.*

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of one thousand dollars each, and said stock shall be transferable as the by-laws may direct. And said capital stock may be increased whenever it shall be thought advisable

Name and style

Vested rights.

Capital stock.

by said corporation, to any sum not exceeding five hundred thousand dollars.

§ 3. Whenever stock to the amount of fifty thousand dollars shall have been subscribed, and twenty per cent. thereof shall have been paid, it shall be lawful for the stockholders of said corporation to commence business under this act, to elect directors and to hold their office as hereinafter provided. Organization and business.

§ 4. Said corporation shall have power to engage in the business of drying damp or heated grain, at any place within the state of Illinois, and for that purpose to erect, maintain and use any building or buildings, warehouse or warehouses, and any apparatus or apparatuses, machine or machines, which said corporation may deem proper and advisable at any place in the state of Illinois. And said corporation shall have power also to engage in the manufacture and sale of grain drying machines or apparatuses, at any place in said state of Illinois; and for the purpose of engaging in such business of drying grain or manufacturing machines for drying grain, said corporation shall have power to purchase any patent right for the manufacture and use of such machine, which it may think proper. The general office of said company shall be in the city of Chicago, state of Illinois. Powers.

§ 5. Said corporation shall have power to purchase and hold, or to lease such real estate and personal property as may be necessary for the purpose of conducting such business, and to purchase and hold all such real estate and personal property as may be sold under mortgage, trust deed, execution or other legal process, to secure and satisfy debts due to said corporation.

§ 6. The business of said corporation shall be transacted by five directors to be chosen annually. Such directors shall have full power to control and manage the business of said corporation, and to appoint and employ all necessary agents and employees, and prescribe the duties of the same; and to make all needful rules, regulations and by-laws, for the full and complete management of the business of said corporation: *Provided, however*, that such rules, regulations and by-laws, shall be subject to the approval and revision at any time, of the stockholders. Said directors shall elect from their number, a president, treasurer and secretary of said corporation, who shall hold such offices for the term of one year, and until their successors are elected. Officers and directors.

§ 7. The directors shall, semi-annually, on the 1st days of January and July, make a statement of the affairs of said corporation upon the books thereof, which shall at all times be open and subject to examination by any stockholder, and divide the net profits among the stockholders according to the amount of stock each may possess: *Provided, however*, that the stockholders may at any meeting

regularly called, provide that any such dividend shall be used in and about the transaction of said business, or dispose of the same in furtherance of the interest of said corporation, as they shall think proper.

Indebtedness.

§ 8. It shall be lawful for the directors of said corporation from time to time, to borrow or obtain on loan, such sum or sums of money as they may think advisable, on such terms as they may think expedient for the use of said corporation, and to pledge or mortgage all or any part of the estate, privileges, franchises, effects and assets whatever of said corporation, for the payment of such sum or sums of money as may be so borrowed and the interest thereon.

§ 9. Any two of such directors or any two of such stockholders may call a meeting of the stockholders at any time, by giving such notice as the by-laws of said corporation may direct; and at any such meeting of the stockholders, the representatives of two-thirds of the stock shall constitute a quorum, and a majority of the votes of the stockholders in attendance shall decide any question presented at such meeting, and each stockholder shall be entitled to as many votes as he has shares of stock; and such stockholders shall have power at any such meeting to control and direct the management of the business of said corporation by said directors, as they may deem expedient.

§ 10. This act shall be deemed and taken as a public act and be in full force from and after its passage.

APPROVED February 23, 1867.

DEPARTMENT OF STATE, SPRINGFIELD, ILLINOIS,
July 10, 1867.

I, Sharon Tyndale, secretary of state of the state of Illinois, do hereby certify that the foregoing printed laws are true and perfect copies of the enrolled laws on file in this office, with the exception of the words printed in brackets thus, [].

In testimony whereof I hereunto set my hand, the day and year aforesaid.

SHARON TYNDALE,
Secretary of State.

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